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No. 357
Date

Government of Bombay
Legal Department

The Bombay Code

Volume III

PART IV

Containing

The Bombay Regulations in force in Bombay from 1827 to 1831; the Local Acts of the Governor General in Council in force in Bombay from 1835 to 1894; the Unrepealed Acts of the Governor of Bombay in Council in force in Bombay from 1862 to 1920; and a Chronological Table of Acts with an Index

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THE BOMBAY REPEALING AND AMENDING ACT, 1955.

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PREAMBLE.

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1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. II OF 1955.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1955.]

[*16th March 1955*]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain nactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1955. Short title.

2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

REPEAL.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	Section 9A.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1901	III	... The Bombay District Municipal Act, 1901.	In section 48, in sub-section (*1*), in clause (*j*) for the words " use or consumption " the words " consumption, use or sale " shall be substituted.
1908	XVI	... The Indian Registration Act, 1908, in its application to the State of Bombay. Bom. XVII of 1930.	In section 69, clause (*gg*) of sub-section (*1*) as inserted by the Indian Registration (Bombay Amendment) Act, 1930, shall be re-lettered as clause (*ggg*).

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 33–35.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	(1) In section 2.— (*i*) in sub-section (*3*), after the words "The President" the words "and Vice-President" shall be inserted. (*ii*) in sub-section (*4*) for the words "the President and members" the words "the President and Vice-President and other members" shall be substituted. (2) In section 3, in sub-section (*1*) for the words "The President and members" the words "The President, Vice-President and other members" shall be substituted. (3) In section 4, after the words "in the absence of the President" the words "the Vice-President and in the absence of both" shall be inserted.
1925	XVIII	... The Bombay Municipal Boroughs Act, 1925.	In section 61, in clause (*n*) of sub-section (*1*) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1938	XXVI	.... The Bombay Medical Practitioners' Act, 1938.	In section 18A, to sub-section (*1*), the following proviso shall be added and shall be deemed always to have been added, namely:— "Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955."
1939	XXII	... The Bombay Agricultural Produce Markets Act, 1939.	After section 21A, the following new section shall be inserted, namely :—
		Chairman, Vice-Chairman, members, secretary and servants of market committee to be public servants.	"21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code." XLV of 1860.
1947	LXI	... The Bombay Primary Education Act, 1947.	(1) In section 2, after clause (10), the following clause shall be inserted, namely :— "(10*A*) 'Educational Inspector of the district' means the Educational Inspector appointed for a district or group of districts;" (2) In sections 23, 24 and 34 for the words "Educational Inspector of the division" the words "Educational Inspector of the district" shall be substituted. (3) In section 49, in sub-section (*2*) after the words "Educational Inspector" the words "of the district" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XLVIII ...	The Bombay Homoeopathic Act, 1951.	In section 19, to sub-section (*2*), the following proviso shall be added, namely :— "Provided that in respect of persons eligible for registration under sub-clause (*b*) of clause (*i*) of sub-section (*3*) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955."
		Bom. II of 1955.	
1953	XLIII ...	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	(1) In the preamble, in sub-section (*2*) of section 1, and sub-clause (*ii*) of clause (*b*) of sub-section (*1*) of section 2 after the word "Malpur," the word "Ambaliara," and after the words "Deogadh Baria" the words "and of the former estate of Ramas", and (2) in the Second Schedule, in the heading after the word "Malpur," the word "Ambaliara," and after the word "States" the words "and of the former estate of Ramas", shall be inserted and shall be deemed always to have been inserted.
1954	XIV ...	The Bombay Nurses, Midwives and Health Visitors Act, 1954.	(1) In section 2, to clause (*g*), the words "and an auxiliary nurse and midwife" shall be added. (2) In section 29, in clause (*c*) of sub-section (*2*) after the words "and examinations" the brackets and words "(including those for auxiliary nurses and midwives)" shall be inserted.
1954	XLI ...	The Bombay Village Industries Act, 1954.	For section 32, the following shall be substituted, namely :— "32. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest." Saving.

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.

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3. Appropriation.

SCHEDULE.

BOMBAY ACT No. III OF 1955. [1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[*16th March 1955*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 4,49,04,184 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	90	37,754	37,844
2	State Excise ..	8—State Excise ..	96,210	4,099	1,00,309
3	Forest ..	10—Forest ..	20	2,742	2,762
4	Registration ..	11—Registration ..	60,000	59	60,059

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 69.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	68,000	49,000	1,17,000
6	Other Taxes and Duties.	13—Other Taxes and Duties.	3,24,000	....	3,24,000
7	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	68,01,680	....	68,01,680
8	General Administration.	25—General Administration.	230	....	230
9	Administration of Justice.	27—Administration of Justice.	150	30	180
10	Police ..	29—Police ..	150	1,640	1,790
11	Ports and Pilotage ..	30—Ports and Pilotage.	30	....	30
12	Scientific Departments.	36—Scientific Departments.	1,74,381	....	1,74,381
13	Education ..	37—Education ..	13,49,730	....	13,49,730
14	Medical ..	38—Medical ..	120	....	120
15	Public Health ..	39—Public Health ..	70	....	70
16	Agriculture ..	40—Agriculture ..	19,89,315	....	19,89,315
17	Veterinary ..	41—Veterinary ..	3,030	....	3,030
18	Co-operation ..	42—Co-operation ..	20	1,044	1,064
19	Industries ..	43—Industries ..	70	....	70
20	Labour ..	47—Miscellaneous Departments (Labour).	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments (except Labour).	56,96,070	104	56,96,174
22	Civil Works ..	50—Civil Works ..	280	30,010	30,290
23	Bombay Development Scheme.	51—Bombay Development Scheme.	10	19	29
24	Multipurpose River Schemes.	51-B—Other Revenue Expenditure connected with Multipurpose River Schemes.	4,48,500	....	4,48,500
25	Electricity Schemes.	XLI—Receipts from Electricity Schemes Deduct Working expenses.	10	....	10
26	Other Revenue Expenditure connected with Electricity Schemes.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	....	10
27	Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	10	....	10
28	Famine ..	54—Famine ..	....	1,25,01,198	1,25,01,198
29	Territorial and Political Pensions.	54-A—Territorial and Political Pensions.	30,300	....	30,300
30	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	2,20,000	50,000	2,70,000
31	Stationery and Printing.	56—Stationery and Printing.	10	....	10
32	Miscellaneous ..	57—Miscellaneous ..	17,43,058	1,73,257	19,16,315
33	Extraordinary Charges.	63—Extraordinary Charges.	140	....	140
34	Community Development Projects.	63-B—Community Development Projects.	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Civil Defence ..	64-B—Civil Defence	2,611	....	2,611
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,90,08,325	1,28,50,956	3,18,59,281
36	Irrigation ..	68—Construction of Irrigation, etc. Works.	150	....	150
37	Public Health ..	70—Capital Outlay on Improvement of Public Health.	20	....	20
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	5,20,850	....	5,20,850
39	Industrial Development.	72—Capital Outlay on Industrial Development.	60,00,000	....	60,00,000
40	Bombay Development Scheme.	80—Bombay Development Scheme.	29,473	....	29,473
41	Civil Works	81—Capital Account of Civil Works outside the Revenue Account.	50	....	50
42	Electricity Schemes.	81-A—Capital Outlay on Electricity Schemes.	10	....	10
43	Housing of Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account	50	16,07,969	16,08,019
44	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	5,00,000	....	5,00,000

3 a

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of Government Trading.	30	....	30
		Total—Capital Expenditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Government.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of Government Trading.	30	....	30
		Total—Capital Expenditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Government.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

THE BOMBAY APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE

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1. Short title
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

THE BOMBAY APPROPRIATION ACT, 1955.

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PREAMBLE

SECTIONS

1. Short title
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

BOMBAY ACT No. IV OF 1955.[1]

[THE BOMBAY APPROPRIATION ACT, 1955.]

[*30th March 1955*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation Act, 1955. **Short title.**

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 1,69,87,52,704 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule to this Act. **Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.**

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956. **Appropriation.**

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,48,13,280	....	2,48,13,280
2	State Excise ..	8, State Excise ..	35,26,700	....	35,26,700
3	Stamps ..	9, Stamps	6,20,000	....	6,20,000

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 84-85.

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SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
4	Forest ..	10, Forest ..	1,58,70,900	33,000	1,59,03,900
5	Registration ..	11, Registration ..	16,50,000	....	16,50,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,40,300	2,14,19,300	2,32,59,600
7	Other Taxes and Duties.	13, Other Taxes and Duties.	51,65,200	1,42,22,800	1,93,88,000
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which Capital accounts are kept—Irrigation Works.	....	1,68,65,000	1,68,65,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,00,54,000	....	4,00,54,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	3,11,84,000	3,11,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	3,51,41,000	3,51,41,000
12	General Administration.	25, General Administration.	5,44,14,200	9,83,480	5,53,97,680
13	Administration of Justice.	27, Administration of Justice.	1,84,97,140	21,32,300	2,06,29,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	97,40,700	....	97,40,700
15	Police ..	29, Police ..	9,26,59,850	....	9,26,59,850
16	Ports and Pilotage.	30, Ports and Pilotage.	35,23,000	....	35,23,000

SCHEDULE—*contd.*

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
17	Dangs District ..	33-A, Dangs District..	48,12,000	....	48,12,000
18	Scientific Departments.	36, Scientific Departments.	7,35,000	....	7,35,000
19	Education ..	37, Education ..	15,79,88,600	....	15,79,88,600
20	Medical ..	38, Medical ..	3,88,71,300	....	3,88,71,300
21	Public Health ..	39, Public Health ..	3,61,33,890	....	3,61,33,890
22	Agriculture ..	40, Agriculture ..	5,22,92,120	....	5,22,92,120
23	Veterinary ..	41, Veterinary ..	32,87,000	....	32,87,000
24	Co-operation ..	42, Co-operation ..	1,23,49,000	...	1,23,49,000
25	Industries ..	43, Industries ..	1,23,36,500	....	1,23,36,500
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	12,000	....	12,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,95,83,320	....	1,95,83,320
28	Labour ..	47, Miscellaneous Departments.	28,25,000	....	28,25,000
29	Civil Works ..	50, Civil Works ..	9,66,51,680	4,41,900	9,70,93,580
30	Bombay Development Scheme.	51, Bombay Development Scheme.	21,68,000	....	21,68,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	31,000	....	31,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—*Deduct*—Working expenses.	1,38,000	....	1,38,000
33	Famine ...	54, Famine ...	7,53,000	12,00,000	19,53,000
34	Territorial and Political Pensions.	61-A, Territorial and Political Pensions.	78,000	.....	78,000

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,60,000	.....	16,60,000
36	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,80,15,000	5,18,000	2,85,33,000
37	Stationery and Printing.	56, Stationery and Printing.	1,14,27,220	.....	1,14,27 220
38	Miscellaneous ...	57, Miscellaneous ...	3,69,62,300	.....	3,69,62,300
39	Extraordinary Charges.	63, Extraordinary Charges.	3,000	.....	3,000
40	Community Development Projects, National Extension Service and Local Development Works.	63-B, Community Development Projects, National Extension Service and Local Development Works.	2,33,37,000	.....	2,33,37,000
41	Civil Defence ...	64-B, Civil Defence ...	1,04,100	.....	1,04,100
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	81,49,59,300	12,41,40,780	93,91,00,080
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	13,12,21,824	.....	13,12,21,824
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	68,81,000	.....	68,81,000
44	Industrial Development.	72, Capital Outlay on Industrial Development.	2,14,12,000	.....	2,14,12,000
45	Bombay Development Scheme.	80, Bombay Development Scheme.	5,19,000	.....	5,19,000
46	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	3,89,96,000	.....	3,89,96,000

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
47	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	4,01,25,000	.....	4,01,25,000
48	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,22,72,200	.....	2,22,72,200
49	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	9,40,000	.....	9,40,000
50	Payments to retrenched Personnel.	85, Payments to Retrenched Personnel.	5,00,000	.....	5,00,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	29,42,99,600	34,000	29,43,33,600
		Total—Capital Expenditure outside the Revenue Account.	55,71,66,624	34,000	55,72,00,624
52	Permanent Debt...	Permanent Debt ...	.....	3,29,80,000	3,29,80,000
53	Loans from the Central Government.	Loans from the Central Government.	.....	1,50,37,000	1,50,37,000
54	Loans and Advances bearing interest.	Loans and Advances by State Government.	15,42,91,000	1,44,000	15,44,35,000
		Total Disbursement under Debt Heads.	15,42,91,000	4,81,61,000	20,24,52,000
		Grand Total ..	1,52,64,16,924	17,23,35,780	1,69,87,52,704

THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.

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PREAMBLE

SECTIONS

1 Short title.

2 Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

3 Appropriation.

SCHEDULE

BOMBAY ACT No. XI OF 1955.

[THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.]

[*9th April 1955.*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the Service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Bombay Appropriation (Excess Expenditure) Act, 1955.

Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 11,60,21,713 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Forest ..	10, Forest ..	....	338	338
2	Registration ..	11, Registration ..	1,682	....	1,682
3	Other Taxes and Duties ..	13, Other Taxes and Duties.	....	1,15,210	1,15,210
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	....	15,80,389	15,80,389
5	General Administration ..	25, General Administration.	14,36,532	....	14,36,532
6	Administration of Justice	27, Administration of Justice.	7,73,166	....	7,73,166

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 74.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Account	Sums not exceeding. Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs	Rs.	Rs.
7	Ports and Pilotage ..	30, Ports and Pilotage.	1,323	....	1,323
8	Dangs ..	33-A, Dangs District ..	4,10,279	....	4,10,279
9	Public Health ..	39, Public Health ..	9,07,751	....	9,07,751
10	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,06,876	....	2,06,876
11	Miscellaneous ..	57, Miscellaneous .	1,81,624	33	1,81,657
	Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).		39,19,233	16,95,970	56,15,203
12	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	1,40,979	....	1,40,979
13	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	5,20,245	....	5,20,245
14	Payment of Commuted value of Pensions.	83, Payments of Commuted value of Pensions.	43,902	....	43,902
15	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10,81,21,206	....	10,81,21,206
	Total Capital expenditure outside the Revenue Account.		10,88,26,332	....	10,88,26,332
16	Loans from the Central Government.	Loans from the Central Government.	....	15,80,178	15,80,178
	Total disbursement under Debt Heads ..		....	15,80,178	15,80,178
		Grand Total ..	11,27,45,565	32,76,148	11,60,21,713

THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Validation of certain suits, proceedings, etc.

BOMBAY ACT No. XVI OF 1955.[1]

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[*14th April 1955*]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

IX of 1887.

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Act, 1955. Short title.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) " principal Act " means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ; IX of 1887.

(*2*) " Small Cause Court " means a Court of Small Causes established under the principal Act ;

(*3*) " special jurisdiction suit " means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(*4*) " proceedings " includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

3. (*1*) Notwithstanding anything contained in sub-section (*3*) of section 15 of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order. Validation of certain suits, proceedings, etc. Bom. LVII of 1950.

(*2*) Nothing contained in sub-section (*1*) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 78.

THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on publication of reports of judicial proceedings.
4. Penalty.
5. Jurisdiction to try offences.
6. Previous sanction.
7. Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.
8. Operation of other laws.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1955.[1]

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT, 1955.]

[*6th May 1955*]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

Definitions.

2. In this Act, unless the context otherwise requires :—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(*b*) "document" includes any painting, drawing or photograph or other visible representation ;

(*c*) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(*d*) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(*e*) "newspaper" means any periodical work containing public news or comments on public news.

Restrictions on publication of reports of judicial proceedings.

3. No person shall print or publish or cause to be printed or published,—

(*a*) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical surgical or physiological, which would be calculated to injure the public morals ;

(*b*) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code, any particulars other than the following, that is to say :—

XLV of 1860.

(*1*) the names of the parties ; and

(*2*) the order of the Court ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 3.

(c) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :— XLV of 1860.

(1) the name, occupation and address of the accused ; and

(2) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty.

4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction to try offences.

5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous sanction.

6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.

7. The provisions of section 99A of the Code of Criminal Procedure, 1898, V of 1898. are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act.

Operation of other laws.

8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act.

SCHEDULE.

(*See* section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words "appears to the State Government to contain" the words "in respect of any judicial proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or" shall be inserted. V of 1898.

THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain inams.
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands.
5. Occupancy rights in respect of lands in inam villages and inam lands.
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.
7. Method of compensation for abolition, etc. of other rights in lands.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable lands.
12. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.
13. Rules.
14. Saving.

BOMBAY ACT No. XXI OF 1955.[1]

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[*3rd June 1955*]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Bhil Naik Inams Abolition Act, 1955.

(*2*) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " appointed date " means the date on which this Act comes into force ;

(*ii*) " Bhil Naik Inam " means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as " Class VI—Village servants useful to Government " and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

Bom. V of 1879.

(*iii*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*iv*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*v*) " inamdar " means a holder of a Bhil Naik Inam ;

(*vi*) " inam village " or " inam land " means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(*vii*) " prescribed " means prescribed by rules made under this Act.

(*2*) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Act not to apply to certain inams.

3. Nothing in this Act shall apply to—

(*i*) devastan inams or inams held for religious or charitable institutions ; and

(*ii*) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of Bhil Naik Inams and resumption of inam villages and lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(*1*) all Bhil Naik Inams shall be deemed to have been abolished, and

(*2*) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(*3*) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of lands in inam villages and inam lands.

5. (*1*) In an inam village and inam land—

(*i*) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (*b*) below, such inamdar, and

(*ii*) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force:

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(*2*) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*3*) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for abolition, etc. of other rights in land.

7. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

Court-fees.

VII of 1870.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Finality of award of Collector and decision of Revenue Tribunal.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Inquiries and proceedings to be judicial proceedings.

XLV of 1860.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Amount of compensation to be payable in transferable bonds.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.

12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII of 1948. to any inam village or inam land or the mutual rights and obligations of a holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving.

14. Nothing in this Act shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed date ; or

(*b*) any proceeding or remedy in respect of such obligation or liability ;

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain kinds of alienations.
4. Abolition of alienations and rights and incidents in respect thereof.
5. Liability of alienated lands to payment of land revenue.
6. Occupancy rights in respect of alienated lands held under community service inam.
7. Occupancy rights in respect of lands held under watan.
8. What persons to be occupants in Wanta or Giras.
9. Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.
10. Effect of failure to pay occupancy price.
11. All public roads, etc. situate in alienated land to vest in Government.
12. Rights to trees.
13. Right to mines or mineral products.
14. Compensation in respect of alienation consisting of assignment of land revenue.
15. Compensation in respect of allowances in cash or kind.
16. Compensation in respect of property referred to in section 11.
17. Method of awarding compensation to alienee.
18. Method of awarding compensation for abolition, etc., of rights of other person in property.
19. Provisions of Land Acquisition Act, 1894, applicable to award.
20. Appeal against Collector's award.
21. Procedure before Revenue Tribunal.

SECTIONS.

22. Limitation.

23. Court-fees.

24. Finality of award and decision of Revenue Tribunal.

25. Inquiries and proceedings to be judicial proceedings.

26. Amount of compensation to be payable in transferable bonds.

27. Alienees to deliver records to authorized officers.

28. Provisions of Bom. LXVII of 1948 to govern the relations of Landlord and tenants.

29. Rules.

30. Saving.

SCHEDULE.

BOMBAY ACT No. XXII OF 1955.[1]

[THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.]

[*3rd June 1955*]

An Act to abolish miscellaneous alienations of various kinds prevailing in the merged territories in the State of Bombay.

WHEREAS certain kinds of alienations prevailing in the merged territories and merged areas have been abolished ;

AND WHEREAS it is expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories and to provide for matters consequential and incidental thereto ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.

(*2*) It extends to the merged territories in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " alienation " means a grant or recognition as a grant,—

(I) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof,

(II) of total or partial exemption from payment of land revenue to a person in respect of any land held by him, or

(III) of cash allowance or allowance in kind to any person by whatever name called,

by the ruling authority for the time being before merger or by the State Government after merger, and includes,—

(*a*) any total or partial exemption from payment of land revenue reserved to himself or enjoyed by a ruler of a former Indian State in respect of any land held by him in his own State before merger as his private property, and

(*b*) Wanta and Giras rights in land or to cash allowances regulated by the rules published under Huzur Cutcherry Notification No. T-3/80 of 1946-47, dated the 24th March 1947 (hereinafter referred to as the Baroda Giras Rules) ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 350.

(*ii*) "alienated land" means a village or portion of a village or land, as the case may be, held by an alienee under an alienation ;

(*iii*) "alienee" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation ;

(*iv*) "appointed date" means the date on which this Act comes into force ;

(*v*) "Barkhali land" in relation to a Wanta or Giras means land held as Jiwai, Jat Dharmadaya, Devasthan, Pirasthan, Vechania, Gharania, Pasaita Chakariat, Dharmadaya Chakariat, Jat Pasaita, Kanyadan or Bathamania and treated as permanent alienations or settled under the Baroda Giras Rules ;

(*vi*) "Code" means the Bombay Land Revenue Code, 1879 ; Bom. V of 1879.

(*vii*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*viii*) "Community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded ;

(*ix*) "Commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(*x*) "Girassia" means the holder of a Wanta or Giras ;

(*xi*) "inferior holder" means a person who is in possession of an alienated land not on payment of rent but on payment of assessment in cash or kind to the alienee and includes a person holding such land through or from such person;

(*xii*) "merger" means the cession by the Ruler of a former Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of the administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935 ; 26 Geo. 5 Ch 2.

(*xiii*) "permanent tenant" in relation to a Wanta or Giras means the holder of a Wanta or Giras land or Jiwai land who has a permanent tenancy in such land ;

(*xiv*) "prescribed" means prescribed by rules made under this Act ;

(*xv*) "Wanta" or "Giras" means land held as Wanta or Giras by a Girassia in accordance with the provisions of the Baroda Giras Rules ;

(*xvi*) "watan" means an alienation held as watan appertaining to the office of a village accountant commonly known as Kulkarni or known by any other similar name or as watan appertaining to the office of a District (paragana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name, whether any commutation settlement in respect of such watan has or has not been effected.

(*2*) The other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

(*3*) References in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(*4*) If any question arises—

(*i*) whether any land is an alienation,

(*ii*) whether any alienation is a grant of soil or an assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue,

(*iii*) whether any alienation is a community service inam or watan,

(*iv*) whether a commutation settlement in respect of any watan has or has not been effected,

(*v*) whether any land held under an alienation is or is not alienable without the permission of a competent authority,

(*vi*) whether any alienation is hereditary or for the life-time of the alienee, or

(*vii*) whether any person is an inferior holder or a permanent tenant,

the State Government shall decide the question and such decision shall be final:

Provided that the State Government may authorize any officer to decide questions arising under any of the clauses (*i*), (*ii*), (*iii*), (*iv*), (*v*), (*vi*) and (*vii*) and subject to an appeal to the State Government, the decision of such officer shall be final.

Act not to apply to certain kinds of alienations.

3. (*1*) Nothing in this Act shall apply to—

(*a*) Devasthan inams or inams held by religious or charitable institutions ;

(*b*) alienations held for service useful to Government other than watan ;

(*c*) any pension granted to an ex-servant of a former Indian State in consideration of the service rendered by him to such state ;

(*d*) revenue-free sites granted by the ruling authority for the time being before merger for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived ;

(*e*) the sums payable under the rules for the settlement of the saranjams of the Feudatory Jagirdars of Kolhapur published in Government Notification in the Political and Services Department No. FCK. 1053, dated the 19th April 1954 ;

(*f*) the land tenure to which the provisions of any of the enactments specified in the Schedule apply ;

(*2*) Where an alienation is held jointly for service appertaining to a watan and for any other service useful to Government then for the purposes of this Act, the State Government shall, after holding such inquiry as it may think fit, decide what portion of such alienation shall be deemed to be an alienation held for service appertaining to a watan and what portion thereof shall be deemed to be an alienation held for any other service useful to Government.

CHAPTER II.

Abolition of alienations and conferment of occupancy rights.

Abolition of alienations and rights and incidents in respect thereof.

4. Notwithstanding anything contained in any usage, settlement, grant, agreement, sanad, order, rule, notification or Vat Hukum or any decree or order of a Court or any law for the time being applicable to any alienation in the merged territories, with effect from and on the appointed date—

(*i*) all alienations shall be deemed to have been abolished ;

(*ii*) save as expressly provided by or under this Act all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been extinguished.

Liability of alienated lands to payment of land revenue.

5. Subject to the other provisions of this Act all alienated lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of alienated lands held under community service inam.

6. In the case of an alienated land held under a community service inam—

(*a*) if such land is in the actual possession of the alienee or in possession of a person holding through or from him other than an inferior holder, such alienee, and

(*b*) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder:

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period:

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under watan.

7. All land held under a watan is hereby resumed and shall be regranted to the holder in accordance with the following provisions, namely :—

(*1*) in the case of a watan, if the commutation settlement permits the transfer of the land appertaining to such watan, the land shall be regranted to the holder without payment of any occupancy price;

(*2*) in the case of a watan, to which clause (1) does not apply, the land appertaining to the watan shall be regranted to the holder on payment of the occupancy price equal to twelve times the amount of the full assessment of such land within the prescribed period:

Provided that in respect of the land held under a watan which has not been assigned towards the emoluments of the person performing the service appertaining to the watan, occupancy price equal to six times the amount of the full assessment of such land shall be paid by the holder within the aforesaid period for its regrant;

(*3*) the occupancy of the land regranted under clause (2) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Explanation.—For the purpose of this section, the expression "holder" shall include—

(*1*) an alienee holding land under a watan, and

(*2*) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining to the watan, a person in whom the ownership of such land for the time being vests.

What persons to be occupants in Wanta or Giras.

8. (*1*) In a Wanta or Giras,—

(*i*) in the case of land other than Barkhali land—

(*a*) if such land is in the actual possession of the Girassia or in the possession of a person other than a permanent tenant, holding through or from the Girassia, such Girassia, and

(*b*) if such land is in the possession of a permanent tenant, such permanent tenant,

(*ii*) in the case of Barkhali land, held as Jiwai land,—

(*a*) if such land is in the actual possession of the holder thereof (hereinafter referred to as the Jiwaidar) or in the possession of a person other than a permanent tenant holding through or from the Jiwaidar, such Jiwaidar, and

(*b*) if such land is in the possession of a permanent tenant, such permanent tenant, and

(*iii*) in the case of any other Barkhali land other than Devasthan and Pirasthan land or land held for service useful to Government, the holder of such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that in the case of the land referred to in sub-clause (*b*) of clause (*i*) and sub-clause (*b*) of clause (*ii*), the permanent tenant shall be entitled to the rights of an occupant on payment in the prescribed manner to the Girassia or Jiwaidar, as the case may be, of the occupancy price equivalent to six times the amount of the full assessment of such land :

Provided further that in the case of Barkhali land referred to in clause (*iii*), if such land was held as Dharmadaya Chakariat or Pasaita Chakariat and was not a permanent alienation within the meaning of the Baroda Giras Rules, the holder of such land shall be entitled to the rights of an occupant on payment to the State Government of the occupancy price equivalent to six times the amount of the full assessment of such land.

(*2*) The occupancy of land conferred on the holder of a Dharmadaya Chakariat or Pasaita Chakariat land which was not a permanent alienation within the meaning of the Baroda Giras Rules shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.

9. In the case of an alienated land to which the provisions of section 6, 7 or 8 do not apply,

(*a*) if such land is in the actual possession of the alienee or is in the possession of a person holding through or from him other than an inferior holder, such alienee, and

(*b*) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if in respect of an alienated land the alienation consists of the grant of the soil with or without exemption from payment of land revenue, the alienee or the inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if under the terms of the alienation such land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Effect of failure to pay occupancy price.

10. (*1*) If any person, who is liable to pay to the State Government the occupancy price in respect of any land under section 6, 7, 8 or 9, fails to pay the same within the prescribed period, he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) If any person, who is liable to pay to the Girassia or Jiwaidar, as the case may be, the occupancy price in respect of any land under section 8, fails to pay the same within the prescribed period, it shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the Girassia or Jiwaidar, as the case may be.

All public roads, etc., situate in alienated land to vest in Government.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of, the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. **12.** The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in an alienated land. Rights to trees.

13. Nothing in this Act or any other law for the time being in force shall be deemed to affect the rights of any alienee subsisting on the appointed date to mines or mineral products in alienated land granted or recognised under any contract, grant or law for the time being in force or by custom or usage. Right to mines or mineral prod

CHAPTER III.

Compensation and Award thereof.

14. (*1*) In the case of an alienation consisting of assignment of the whole or part of the land revenue of any land or village— Compensation in respect of alienation consisting of assignment of land revenue.

(*i*) if the alienation was continuable as hereditary without being subjected to any deduction or cut at the time of each succession, a sum equal to seven times the amount of such land revenue,

(*ii*) if the alienation was continuable as hereditary but subject to a deduction or cut at the time of each succession, a sum equal to five times the amount of such land revenue, and

(*iii*) if the alienation was continuable for the life time of the alienee, a sum equal to three times the amount of such land revenue,

shall be paid to the alienee as compensation for the abolition of the alienation.

(*2*) For the purpose of sub-section (*1*), the amount of land revenue shall be the amount received or due to the alienee on account of assignment of land revenue for the year immediately preceding the appointed date.

15. (*1*) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid— Compensation in respect of allowances in cash or kind.

(*i*) seven times the amount of the cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was hereditary without being subjected to deduction or cut at the time of each succession;

(*ii*) five times the amount of the cash allowance or the value of the allowance in kind, as the case may be, if the alienation was hereditary but subject to a deduction or cut at the time of each succession ; or

(*iii*) three times the amount of cash allowance or the value of the allowance in kind, as the case may be, if the alienation was continuable for the life-time of the alienee :

Provided that if under the terms of a grant any such cash allowance or allowance in kind was received by a widow for the purpose of her maintenance, it shall be continued to such widow for her life-time.

(*2*) For the purpose of sub-section (*1*), the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed date and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed date, such value being determined in the prescribed manner.

Compensation in respect of property

16. Any alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely :—

(*i*) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. I of 1894.

Method of awarding compensation to alienee.

17. (*1*) Any alienee entitled to compensation under section 14, 15 or 16 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(*2*) On receipt of an application under sub-section (*1*), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

Method of awarding compensation for abolition, etc., of rights of other person in property.

18. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) The application under sub-section (*1*) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Provisions of Land Acquisition Act, 1894, applicable to award.

19. Every award made under section 17 or 18 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award.

I of 1894.

Appeal against Collector's award.

20. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

21. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

22. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court-fees.

23. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award and decision of Revenue Tribunal.

24. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

25. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Amount of compensation to be payable in transferable bonds.

26. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

CHAPTER IV.

Miscellaneous.

Aliences to deliver records to authorized officers.

27. (*1*) Whenever an officer authorized by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified in the direction, the records relating to the alienated land maintained by the alienee.

(*2*) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

28. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any alienated land or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

29. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Saving.

30. Nothing contained in this Act shall affect,—

(*1*) any obligation or liability already incurred under an incident of an alienation before the date on which this Act comes into force, or

(*2*) any proceeding or remedy in respect of such obligation or liability,

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

SCHEDULE.

(*See* section 3.)

1. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).
2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).
3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).
4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).
5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).
6. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).
7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).
8. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

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6. Insertion of new section 80-A in Act XVI of 1927.

BOMBAY ACT No. XXIV OF 1955.[1]

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[*22nd June 1955*]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Indian Forest (Bombay Amendment) Act, 1955.

XVI of 1927. **2.** In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (*a*) of clause (4), after the word "kuth" the words ", apta and temburni leaves" shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,— Amendment of section 28 of Act XVI of 1927.

(*1*) in sub-section (*1*), after the word "village-community" the words and figures ", village panchayat established under the Bombay Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted ; Bom. VI of 1933. Bom. VII of 1925.

(*2*) in sub-section (*2*), after the word "community" the words ", panchayat or society" shall be inserted.

4. In section 35 of the said Act,— Amendment of section 35 of Act XVI of 1927.

(*1*) in sub-section (*3*), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted ;

(*2*) after sub-section (*3*), the following sub-sections shall be added, namely :—

"(*4*) A notice to show cause why a notification under sub-section (*1*) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (*i*) of sub-section (*1*), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (*i*) of sub-section (*1*), to the extent specified in the notice.

(*5*) A notice issued under sub-section (*3*) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules. V of 1908.

(*6*) Any person contravening any requisition made under sub-section (*4*) in a notice to show cause why a notification under sub-section (*1*) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 38–39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

"36-A. The notice referred to in sub-section (*1*) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (*1*) The period of such control of any forest shall be for ten years from the date of the order aforesaid; but such period may thereafter be extended for successive periods of not more than ten years each:

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(*2*) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (*1*), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(*3*) After considering any such report and subject to sub-section (*1*), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(*4*) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (*1*) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(*2*) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section."

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

"80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly."

THE BOMBAY TOWN PLANNING ACT, 1954.

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SCHEDULE.

BOMBAY ACT No. XXVII OF 1955.[1]

[THE BOMBAY TOWN PLANNING ACT, 1954.]

[*5th August 1955*]

An Act to consolidate and amend the law for the making and execution of town planning schemes.

WHEREAS in order to ensure that town planning schemes are made in a proper manner and their execution is made effective, it is necessary to provide that a local authority shall prepare a development plan for the entire area within its jurisdiction :

AND WHEREAS it is necessary and expedient to consolidate and amend the law relating to town planning for the aforesaid and other purposes hereinafter appearing ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Town Planning Act, 1954.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " Consulting Surveyor " means the officer appointed as the Consulting Surveyor to the Government of Bombay ;

(*2*) " development plan " means a plan for the development or redevelopment or improvement of the entire area within the jurisdiction of a local authority prepared under section 3 ;

(*3*) " land " includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

Bom. III of 1888. Bom. LIX of 1949. Bom. XVIII of 1925. Bom. III of 1901.

(*4*) " local authority " means a municipal corporation constituted under the Bombay Municipal Corporation Act, or the Bombay Provincial Municipal Corporations Act, 1949, or a municipality constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901, and includes also—

Bom. III of 1901.

(*a*) a committee appointed for a notified area under the Bombay District Municipal Act, 1901, which is permitted in this behalf by the State Government to exercise the powers of a local authority under this Act ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 232.

(*b*) a panchayat constituted under the Bombay Village Panchayats Act, 1933, which is permitted in this behalf by the State Government to exercise the powers of a local authority under this Act; Bom. VI of 1933.

(*5*) "owner" includes any person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rents or profits of the property in connection with which it is used ;

(*6*) "plot" means a continuous portion of land held in one ownership ;

(*7*) "preliminary scheme" means a scheme relating to a town planning scheme prepared by the Town Planning Officer under section 45 ;

(*8*) "prescribed" means prescribed by rules or orders made under this Act ;

(*9*) "reconstituted plot" means a plot which is in any way altered by the making of a town planning scheme ;

Explanation.—"altered" includes alteration of ownership ;

(*10*) "scheme" includes a plan relating to a town planning scheme.

CHAPTER II.

Development Plans.

Development plan.

3. (*1*) As soon as may be after the coming into force of this Act, subject however to the provisions of this Act, every local authority shall carry out a survey of the area within its jurisdiction and shall, not later than four years from the date on which this Act comes into force, prepare and publish in the prescribed manner a development plan and submit it to the State Government for sanction.

(*2*) Subject to the provisions of this Act, every local authority constituted after the coming into force of this Act shall, as soon as may be, carry out a survey of the area within its jurisdiction and shall, not later than four years from the date of such constitution, prepare and publish in the prescribed manner the development plan for the area within its jurisdiction and submit it for the sanction of the State Government.

(*3*) On application made by any local authority referred to in sub-section (*1*) or (*2*), the State Government may from time to time by order in writing extend for adequate reasons the aforesaid period by such period as it thinks fit.

(*4*) If the development plan is not prepared, published and submitted to the State Government for sanction by any local authority within the period specified in sub-section (*1*) or (*2*) or within the period so extended under sub-section (*3*), as the case may be, the State Government may, after carrying out the necessary survey of the areas and consulting the Consulting Surveyor, prepare and publish in the prescribed manner such plan and recover the cost thereof from the local authority out of its funds, notwithstanding anything contained in any law relating to the said fund.

(*5*) Notwithstanding anything contained in sub-section (*4*),—

(*i*) if any local authority has prepared a plan for the development of the area within its jurisdiction before the date of the coming into force of this Act, it may submit the same to the State Government for sanction within a period of six months from the said date and the plan so sanctioned shall, notwithstanding anything contained in this Act, be deemed to be the development plan for the area ;

(*ii*) if any local authority is converted into, or amalgamated with, any other local authority or is sub-divided into two or more local authorities, the development plan prepared for the area by the local authority so converted, amalgamated or sub-divided shall, with such alterations and modifications, as the State Government may approve, be deemed to be the development plan for the area of the new local authority or local authorities into or with which the former local authority was converted, amalgamated or sub-divided.

Declaration of intention of making development plan.

4. (*1*) A local authority before carrying out a survey of the area referred to in sub-sections (*1*) and (*2*) of section 3 for the purpose of preparing a development plan for such area shall make a declaration of its intention to prepare a development plan and shall despatch a copy thereof to the State Government for publication in the *Official Gazette* and shall publish it in the prescribed manner for inviting suggestions from the public within a period of two months :

Provided that the development plan may be prepared and published by the State Government under sub-section (*4*) of section 3 without making a declaration of intention as aforesaid.

(*2*) A copy of the development plan shall be sent to the State Government and another copy shall be open to the inspection of the public at all reasonable hours at the head office of the local authority.

Manner of preparing development plan.

5. The development plan shall be on a scale not smaller than 800 feet to an inch and shall define in distinguishing colours the area or sites and the users to which they will be put.

Power of entry for carrying out survey for preparing development plan.

6. For the purpose of carrying out a survey and the preparation of a development plan, any person authorized by the State Government or the local authority or any public servant or person duly authorized or appointed under this Act may, after giving such notice as may be prescribed to the owner, occupier or other person interested in the land, enter upon, survey and mark out such land and do all things necessary for such purpose.

Contents of development plan.

7. A development plan shall generally indicate the manner in which the development and improvement of the entire area within the jurisdiction of the local authority are to be carried out and regulated. In particular it shall contain the following proposals, namely :—

(*a*) proposals for designating the use of the land for the purposes such as (1) residential, (2) industrial, (3) commercial, and (4) agricultural;

(*b*) proposals for designation of land for public purposes such as parks, playgrounds, recreation grounds, open spaces, schools, markets or medical, public health or physical culture institutions ;

(*c*) proposals for roads and highways;

(*d*) proposals for the reservation of land for the purposes of the Union, any State, any local authority or any other authority established by law in India ; and

(*e*) such other proposals for public or other purposes as may from time to time be approved by a local authority or directed by the State Government in this behalf.

Submission of development plan and other information to Government.

8. The following particulars shall be published and submitted to the State Government along with the development plan :—

(*i*) a report of the surveys carried out by the local authority before the preparation of the development plan ;

(*ii*) a report explaining the provisions of the development plan ;

(*iii*) regulations enforcing the provisions of the development plan, and explaining the manner in which necessary permission for developing any land can be obtained from the local authority ;

(*iv*) a report of the stages by which it is proposed to meet the obligations imposed on the local authority by the development plan ;

(*v*) an approximate estimate of the cost involved in the acquisition of lands reserved for public purposes.

Suggestions to development plan to be considered.

9. If within two months from the date of publication of the development plan any member of the public communicates in writing to the local authority any suggestion relating to such plan, the local authority shall consider such suggestion and may, at any time before submitting the development plan to the State Government, modify such plan as it thinks fit.

Power of Government to sanction development plan.

10. (*1*) The State Government may, after consulting the Consulting Surveyor, by notification in the *Official Gazette*, sanction the development plan submitted to it either without modification or subject to such modification as it considers expedient within the time prescribed.

(*2*) The State Government shall fix in such notification a date not earlier than one month after the publication of such notification on which the final development plan shall come into force.

(*3*) If the development plan contains any proposal for the designation of any land for a purpose specified in clause (*b*) or (*e*) of section 7 and if such land does not vest in the local authority, the State Government shall not include the said purpose in the development plan unless it is satisfied that the local authority concerned shall be able to acquire such land by private agreement or compulsory purchase within a period of ten years from the date on which the final development plan comes into force.

Acquisition of land.

11. (*1*) The local authority may acquire any land designated in the development plan for a purpose specified in clause (*b*), (*c*), (*d*) or (*e*) of section 7 either by agreement or under the Land Acquisition Act, 1894. I of 1894.

(*2*) If the land is acquired under the Land Acquisition Act, 1894, the provisions of the said Act as amended by the Schedule to this Act shall apply to the determination of compensation for the acquisition of such land. I of 1894.

(*3*) If the designated land is not acquired by agreement within ten years from the date specified under sub-section (*3*) of section 10 or if proceedings under the Land Acquisition Act, 1894, are not commenced within such period, the owner or any person interested in the land may serve notice to the local authority and if within six months from the date of the service of such notice the land is not acquired or no steps as aforesaid are commenced for its acquisition, the designation shall be deemed to have lapsed. I of 1894.

Restrictions on development work after publication of declaration of intention under section 4 (*1*).

12. On or after the date on which a declaration of intention to prepare a development plan is published under sub-section (*1*) of section 4 in respect of any area, no person shall carry on any development work in any building or in or over any land within the limits of the said area without the permission of the local authority which shall be contained in a commencement certificate granted by the local authority in the form prescribed.

Explanation.—For the purpose of this section,—

(*a*) the expression "development" means the carrying out of building or other operation in or over or under any land or the making of any material change in the use of any building or other land ;

(*b*) the following operations or uses of land shall not be deemed to involve the development of any building or land, namely :—

(*i*) the carrying out of works for the maintenance, improvement or other alteration of any building being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(*ii*) the carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force ;

(*iii*) the carrying out of works by any authority in exercise of its powers under any law for the time being in force ;

(*iv*) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such ;

(*v*) when the normal use of land which was being temporarily used for another purpose on the day on which the declaration of intention to prepare the development plan is published under sub-section (*1*) of section 4 is resumed ;

(*vi*) when land was normally used for one purpose and also on occasions for another purpose, the use of the land for that other purpose on similar occasions.

Permission for development of building or land.

13. (*1*) The local authority on receipt of the application for permission shall at once furnish the applicant with a written acknowledgment of its receipt and after inquiry may either grant or refuse a commencement certificate :

Provided that such certificate may be granted subject to such general or special conditions as the State Government may by order made in this behalf direct.

(*2*) If the local authority does not communicate its decision to the applicant within three months from the date of such acknowledgment, such certificate shall be deemed to have been granted to the applicant.

(*3*) Subject to the provisions of sections 14 and 15, no compensation shall be payable for the refusal of or the insertion or imposition of conditions in the commencement certificate.

(*4*) If any person does any work on, or makes any use of, any property in contravention of section 12 or of sub-section (*1*) of this section, the local authority may direct such person by notice in writing to stop any such work in progress or discontinue any such use ; and may, after making an inquiry in the prescribed manner, remove or pull down any such work and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(*5*) Any expenses incurred by the local authority under sub-section (*4*) shall be a sum due to the local authority under this Act from the person in default or the owner of the land.

Supplementary provision as to grant of permission.

14. The power to grant necessary permission for a change of user of land shall include the power to grant permission for the retention on land of any building or work constructed or carried out thereon before the date of the publication of the declaration of intention to prepare a development plan under sub-section (*1*) of section 4 or for the continuance of any use of land instituted before that date.

Obligation to purchase land on refusal of permission in certain cases.

15. (*1*) Where permission for change of user of land of the kind referred to in section 14 is refused or is granted subject to the conditions, then if any owner of the land claims—

(*a*) that the land has become incapable of reasonable beneficial use in its existing state, or

(*b*) in a case where permission for such use is granted subject to conditions that the land cannot be rendered capable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner prescribed by regulations made by the local authority, serve on the local authority a notice (hereinafter referred to as a purchase notice) requiring the local authority to purchase his interest in the land in accordance with the provisions of this section.

(*2*) Where a purchase notice is served on a local authority under this section, the local authority shall forthwith transmit a copy of the notice to the State Government and the State Government shall, if it is satisfied that the conditions specified in paragraph (*a*) or (*b*) of sub-section (*1*), as the case may be, are fulfilled, confirm the notice, and thereupon the local authority shall be deemed to be authorized to acquire the interest of the owner compulsorily in accordance with the provisions of this Act, and to have served a notice to acquire in respect thereof on such date as the State Government may direct.

(*3*) If within the period of six months from the date on which the purchase notice is served under this section the State Government has not confirmed the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the local authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner compulsorily in accordance with the provisions of this Act at the expiration of the said period.

(*4*) The provisions of section 81 shall, so far as may be, apply in relation to the compulsory acquisition of interest of the owner of land under this section as they apply in relation to land needed for a public purpose under this Act.

Sanction for sub-division of plot or lay-out of private street.

16. (*1*) Every person who intends to sub-divide his plot or make or lay out a private street on or after the date of the publication of the declaration of intention to prepare the development plan shall submit the layout plan together with the prescribed particulars to the local authority for sanction.

(*2*) The local authority may, within the prescribed period, sanction such plan either without modifications or subject to such modifications and conditions as it considers expedient, or may refuse to give sanction, if the local authority is of opinion that such division or laying out is not in any way consistent with the proposals of the development plan.

(*3*) No compensation shall be payable for the refusal or the insertion, imposition or modification of conditions in the grant of sanction.

(*4*) If any person does any work in contravention of sub-section (*1*) or in contravention of the modifications and conditions of the sanction granted under sub-section (*2*) or despite refusal for the sanction under the said sub-section (*2*), the local authority may direct such person by notice in writing to stop any work in progress, and after making an inquiry in the prescribed manner remove or pull down any work or restore the land to its original condition.

(*5*) Any expenses incurred by the local authority under sub-section (*4*) shall be a sum due to the local authority under this Act from the person in default.

Revision of development plan.

17. At least once in every ten years from the date on which the last development plan came into force, the local authority may, and if so required by the State Government after the date on which a development plan for any area has come into force shall, carry out a fresh survey of the area within its jurisdiction with a view to revising the existing development plan and the provisions of sections 4 to 16 (both inclusive) shall, so far as they can be made applicable, apply in respect of such revision of the development plan.

CHAPTER III.

Making of Town Planning Scheme.

Making and contents of town planning scheme.

18. Subject to the provisions of this Act or any other law for the time being in force,—

(*1*) a local authority for the purpose of implementing the proposals in the final development plan may make one or more town planning schemes for the area within its jurisdiction or any part thereof;

(*2*) such town planning scheme may make provisions for any of the following matters:—

(*a*) the laying out or re-laying out of land, either vacant or already built upon;

(*b*) the filling up or reclamation of lowlying, swamp or unhealthy areas or levelling up of land;

(*c*) lay out of new streets or roads; construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;

(*d*) the construction, alteration and removal of buildings, bridges and other structures;

(*e*) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts and dairies, transport facilities and public purposes of all kinds;

(*f*) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(*g*) lighting;

(*h*) water supply;

(*i*) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;

(*j*) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;

(*k*) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule, by-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend;

(*l*) such other matter not inconsistent with the objects of this Act as may be prescribed.

Disputed ownership.

19. (*1*) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which the local authority has declared under section 22 its intention to make a town planning scheme and any entry in the record-of-rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the local authority or the Town Planning Officer at any time prior to the date on which the Town Planning Officer draws up the final scheme under sub-section (*1*) of section 32, by such officer as the State Government may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

(*2*) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(*3*) Such decision shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the local authority either by the Civil Court or by some person affected by such decree.

Right of entry.

20. For the purpose of the making or execution of any town-planning scheme, any person authorized by the local authority or any public servant or person duly appointed or authorized under this Act, may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

CHAPTER IV.

Declaration of intention to make a scheme and making of a draft scheme.

Land in respect of which town planning scheme may be made.

21. (*1*) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is—

(*i*) in course of development,

(*ii*) likely to be used for building purposes, or

(*iii*) already built upon.

(*2*) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not.

Power of local authority to resolve on declaration of intention to make scheme.

22. (*1*) A local authority having jurisdiction over any such land as is referred to in section 21 may by resolution declare its intention to make a town planning scheme in respect of the whole or any part of such land.

(*2*) Within twenty-one days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the local authority shall publish it in the prescribed manner and shall despatch a copy thereof to the State Government.

(*3*) The local authority shall send a plan showing the area which it proposes to include in the town planning scheme to the State Government.

(*4*) A copy of the plan shall be open to the inspection of the public at all reasonable hours at the head office of the local authority.

Making and publication of draft scheme.

23. (*1*) Within 12 months from the date of the declaration of intention to make a scheme the local authority shall make in consultation with the Consulting Surveyor a draft scheme for the area in respect of which the declaration has been made and publish the same in the prescribed manner:

Provided that on application by the local authority in that behalf, the State Government may from time to time, by a notification in the *Official Gazette*, extend the aforesaid period by such period as may be specified not exceeding six months in all.

(*2*) If the draft scheme is not made and published by the local authority within the period specified in sub-section (*1*) or within the period so extended under that sub-section, the State Government or an officer authorised by the State Government in this behalf may make and publish in the prescribed manner a draft scheme for the area in respect of which the declaration of intention to make a scheme has been made by the local authority within a further period of nine months from the date of the expiry of the extended period.

(*3*) If such publication is not made by the State Government within the further period specified in sub-section (*2*), the declaration of intention to make such scheme shall lapse, and until a period of three years has elapsed from the date of such declaration it shall not be competent to the local authority to declare its intention to make any town-planning scheme for the same area or for any part of it.

Power of State Government to require local authority to make scheme.

24. (*1*) Notwithstanding anything contained in sections 22 and 23, the State Government may, in respect of any local authority after making such inquiry as it deems necessary, by notification published in the prescribed manner require the local authority to make and publish in the prescribed manner and submit for its sanction a draft scheme in respect of any land in regard to which a town-planning scheme may be made.

(*2*) For the purposes of this Act and the rules made thereunder, the requisition under sub-section (*1*) by the State Government shall be deemed to be the declaration of intention to make a scheme under section 22.

Contents of draft scheme.

25. The draft scheme shall contain the following particulars :—

(*a*) the area, ownership and tenure of each original plot;

(*b*) the land allotted or reserved under sub-clause (e) of clause (2) of section 18 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(*c*) the extent to which it is proposed to alter the boundaries of original plots;

(*d*) an estimate of the net cost of the scheme to be borne by the local authority;

(*e*) a full description of all details of the scheme under such sub-clauses of clause (2) of section 18 as may be applicable;

(*f*) the laying out or re-laying out of land either vacant or already built upon;

(*g*) the filling up or reclamation of lowlying, swamp or unhealthy areas or levelling up of land; and

(*h*) any other prescribed particulars.

Reconstituted plot.

26. (*1*) In the draft scheme the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible complies with the provisions of the scheme as regards open spaces.

(*2*) For the purpose of sub-section (*1*), the draft scheme may contain proposals,—

(*a*) to form a reconstituted plot by the alteration of the boundaries of an original plot;

(*b*) to form a reconstituted plot by the transfer wholly or partly of the adjoining lands;

(*c*) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

(*d*) to allot a plot to any owner dispossessed of land in furtherance of the scheme; and

(*e*) to transfer the ownership of a plot from one person to another.

(*3*) Where under sub-clause (j) of clause (2) of section 18, the purposes to which buildings or areas may not be appropriated have been specified, the building shall cease to be used for the purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme and the person affected by the provision shall be entitled to compensation from the local authority in the manner and according to the method prescribed:

Provided that in ascertaining such compensation the time within which the person affected was permitted to change the user shall be taken into consideration.

Objections to draft scheme to be considered.

27. If within one month from the date of publication of the draft scheme any person affected by such scheme communicates in writing to the local authority any objection relating to such scheme, the local authority shall consider such objection and may, at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it thinks fit.

Power of State Government to sanction scheme.

28. (*1*) The local authority shall within four months from the date of its publication in the *Official Gazette* submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it to the State Government and shall at the same time apply for its sanction.

(*2*) After receiving such application and after making such inquiry as it may think fit and after consulting the Consulting Surveyor, the State Government may, within six months from the date of its submission, by notification in the *Official Gazette*, either sanction such scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.

(*3*) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public.

Restrictions after declaration for town planning schemes.

29. (*1*) On or after the date on which the local authority's declaration of intention to make a scheme under section 22 or the notification issued by the State Government under section 24 is published in the *Official Gazette*.—

(*a*) no person shall within the area included in the scheme erect or proceed with any building or work or remove, pull down, alter, make additions to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material, or sub-divide any land, or change the user of any land or building unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the local authority in the form prescribed;

(*b*) the local authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and—

(*i*) in the case of a local authority other than a municipal corporation, after inquiry and in consultation with the Town Planning Officer, if any, appointed under section 31, or

(*ii*) in the case of a municipal corporation, after inquiry,

may either grant or refuse such certificate or grant it subject to such conditions as the local authority may, with the previous approval of the State Government, think fit to impose. If a municipal corporation gives permission under this clause either without or with conditions, it shall inform the Town Planning Officer accordingly and shall send to him a plan and a copy of conditions imposed, if any. If the local authority communicates no decision to the applicant within three months from the date of such acknowledgment, the applicant shall be deemed to have been granted such certificate;

(*c*) if any person contravenes the provisions contained in clause (*a*) or clause (*b*), the local authority may direct such person by notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down or alter any building or other work or restore the land in respect of which such contravention is made to its original conditions;

(*d*) any expenses incurred by the local authority under clause (*c*) shall be a sum due to the local authority under this Act from the person in default or the owner of the plot;

(*e*) any diminution in the value of an original plot occasioned by any contravention of clause (*a*) or clause (*b*) shall, notwithstanding anything contained in sections 64, 65 and 66, be taken into account in fixing the market value of such plot.

(*2*) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the local authority under the provisions of this section or of section 55 except in respect of a building or work begun or a contract entered into before the date on which the local authority published a declaration of intention to make a scheme or the State Government published a notification under sub-section (*1*) of section 24 and only in so far as such building or work has proceeded at the time of the publication of the declaration of intention to make a scheme or the publication of the notification under sub-section (*1*) of section 24:

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the local authority.

(*3*) The restrictions imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the event of the withdrawal of the scheme under section 52.

Power of State Government to suspend rule, by-law, etc.

30. (*1*) When a local authority has published a declaration of intention to make a scheme or the State Government has published a notification under sub-section (*1*) of section 24, the State Government may, by order published in the *Official Gazette*, suspend to such extent only as may be necessary for the proper carrying out of the scheme any rule, by-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend.

(*2*) Any order issued under sub-section (*1*) shall cease to operate in the event of the State Government refusing to sanction the final scheme, or in the event of the withdrawal of the scheme under section 52, or in the event of the coming into force of the final scheme.

CHAPTER V.

The Town Planning Officer and the Board of Appeal.

Appointment of Town Planning Officer.

31. (*1*) Within one month from the date on which the sanction of the State Government to the draft scheme is published in the *Official Gazette*, the State Government shall appoint a Town Planning Officer with sufficient establishment whose duties shall be as hereinafter provided.

(*2*) The State Government may, if it thinks fit, at any time, remove for incompetence or misconduct or any other good and sufficient reason a Town Planning Officer appointed under this section and shall forthwith appoint another person to take his place and any proceedings pending before the Town Planning Officer immediately before the date of his removal shall be continued and disposed of by the new Town Planning Officer appointed in his place.

Duties of Town Planning Officer.

32. (*1*) In accordance with the prescribed procedure the Town Planning Officer shall,—

(*i*) after notice given by him in the prescribed manner, define and demarcate the areas allotted to, or reserved, for a public purpose or purpose of the local authority and the reconstituted plots;

(*ii*) after notice given by him in the prescribed manner, determine, in the case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons;

(*iii*) fix the difference between the total of values of the original plots and the total of the values of the plots included in the final scheme, in accordance with the provisions contained in clause (*f*) of sub-section (*1*) of section 64;

(*iv*) determine whether the areas used, allotted or reserved for a public purpose or purpose of the local authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(*v*) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(*vi*) calculate the contribution to be levied on each plot used, allotted or reserved for a public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(*vii*) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots exclusively occupied for the religious or charitable purposes;

(*viii*) estimate the increment to accrue in respect of each plot included in the final scheme in accordance with the provisions contained in section 65;

(*ix*) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme in accordance with the provisions contained in section 66;

(*x*) calculate the contribution to be levied on each plot included in the final scheme;

(*xi*) determine the amount to be deducted from, or added to, as the case may be, the contribution leviable from a person in accordance with the provisions contained in section 67;

(*xii*) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot in accordance with the provisions contained in section 68;

(*xiii*) estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town-planning scheme in accordance with the provisions contained in section 69 ;

(*xiv*) draw in the prescribed form the final scheme in accordance with the draft scheme :

Provided that—

(*a*) he may make variation from the draft scheme ;

(*b*) any variation estimated by him to involve an increase of 10 per centum in the costs of the scheme as is described in section 64 or rupees one lakh, whichever is lower, shall require the sanction of the State Government :

Provided further that the Town Planning Officer shall make no substantial variation without the consent of the local authority and without hearing any objections which may be raised by the owners concerned.

(*2*) If there is any difference of opinion between the Town Planning Officer and the local authority whether variation made by the Town Planning Officer is substantial or not, the matter shall be referred by the local authority to the State Government whose decision shall be final and conclusive.

(*3*) The Town Planning Officer appointed for any draft scheme shall decide all matters referred to in sub-section (*1*) within a period of twelve months from the date of his appointment :

Provided that the State Government may from time to time by order in writing extend the said period by such further period as may be specified in the order.

Certain decisions of Town Planning Officer to be final.

33. Except in matters arising out of clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32, every decision of the Town Planning Officer shall be final and conclusive and binding on all persons.

Appeal.

34. Any decision of the Town Planning Officer under clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32 shall be forthwith communicated to the party concerned and any party aggrieved by any such decision, may, within one month from the date of the communication of the decision, appeal to the Board of Appeal constituted under section 35.

Constitution of Board of Appeal.

35. (*1*) The Board of Appeal shall consist of a President and two Assessors.

(*2*) The President shall, in Greater Bombay, be the Principal Judge of the City Civil Court, Bombay, or such other Judge of the said Court as may be appointed by the State Government on the recommendation of the Principal Judge and, elsewhere be the District Judge.

(*3*) The President shall appoint fit and proper persons as Assessors.

(*4*) The President and the Assessors shall be appointed members of the Board of Appeal for such period as may be required by such Board to decide an appeal made against the decision under clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32.

(*5*) The State Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason an Assessor appointed under sub-section (*3*).

(*6*) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such Assessor shall appoint forthwith a fit and proper person to take the place of such Assessor.

Town Planning Officer to assist Board in advisory capacity and his remuneration.

36. (*1*) The Town Planning Officer shall be present at the proceedings before the Board of Appeal. He shall not be required to give evidence in such proceedings but the President may require him to assist the Board in an advisory capacity.

(*2*) When the Town Planning Officer is required under sub-section (*1*) to assist the Board of Appeal he shall, save where he is a salaried officer of Government, be entitled to such fees as the State Government may from time to time determine.

Place where Board may sit.

37. The Board of Appeal may sit either at the headquarters of the President or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such Board.

Right to appear by recognised agent.

38. Every party to any proceeding before the Board of Appeal shall be entitled to appear either in person or by his recognised agent.

Decision of questions of law and other questions.

39. All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by a majority of them.

Powers of Board to decide matters finally.

40. (*1*) After making such inquiry as it may think fit, the Board of Appeal may either direct the Town Planning Officer to reconsider his proposals, or accept, modify, vary or reject the proposals of the Town Planning Officer and shall decide all matters arising out of clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32.

(*2*) Every decision of the Board of Appeal shall be final and conclusive and binding on all persons.

Board not to be Court.

41. Nothing contained in this Act shall be deemed to constitute the Board of Appeal to be a Court.

Remuneration of Town Planning Officer and Assessors and payment of incidental expenses of Board

42. (*1*) The Assessors shall, save where they are salaried Government officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the State Government may, from time to time, determine.

(*2*) The salary of the President of the Board of Appeal or an Assessor who is a salaried Government officer, and any remuneration payable under sub-section (*1*) and fees payable to a Town Planning Officer under sub-section (*2*) of section 36 and all expenses incidental to the working of the Board of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme.

Decision of Town Planning Officer to be final in certain matters and variation of scheme in view of decision in appeal.

43. (*1*) Where no appeal has been made under section 34, the decision of the Town Planning Officer under clauses (*v*), (*vi*), (*viii*), (*ix*), (*x*) and (*xiii*) of sub-section (*1*) of section 32 shall be final and binding on the parties.

(*2*) The Board of Appeal shall send a copy of its decision in appeal to the Town Planning Officer who shall then, if necessary, make variation in the scheme in accordance with such decision and shall forward the final scheme together with a copy of his decision under section 32 and a copy of the decision of the Board of Appeal in appeal to the State Government for the sanction of the final scheme.

CHAPTER VI.

Splitting up of schemes into sections and preliminary schemes.

Powers of Town Planning Officer to split up draft scheme into separate sections.

44. After a Town Planning Officer has been appointed under section 31, the local authority may apply to him to split up the draft scheme into different sections and to deal with each section separately as if each section were a separate draft scheme. The Town Planning Officer may, after making such inquiry as he thinks fit, split up the draft scheme into sections. Thereafter the provisions of this Act and the rules made thereunder shall, so far as may be, apply to each of such sections as if it were a separate draft scheme.

Town Planning Officer to prepare preliminary scheme.

45. If a draft scheme or if any of the sections of a draft scheme contains any of the following works—

(*i*) construction or alteration of bridges,

(*ii*) roads, open spaces, gardens and recreation grounds,

(*iii*) drainage, inclusive of sewage, surface drainage and sewage disposal,

(*iv*) water supply,

(*v*) any other work which in the opinion of the Town Planning Officer is for a public purpose,

the Town Planning Officer shall, on the application of the local authority, prepare in regard to such scheme or section in the prescribed manner a preliminary scheme in accordance with the provisions of section 32:

Provided that it shall not be necessary for the Town Planning Officer at this stage to exercise the powers referred to in clauses (*iii*), (*iv*), (*v*), (*vi*), (*vii*), (*viii*), (*ix*), (*x*), (*xi*), (*xiii*) and (*xiv*) of sub-section (*1*) of section 32.

Power to hand over possession of land required for bridges, roads, etc.

46. (*1*) Where a local authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works referred to in section 45 and included in a preliminary scheme, the local authority shall make an application through the Town Planning Officer to the State Government to vest in it the land shown in the preliminary scheme.

(*2*) The State Government, if satisfied that it is urgently necessary in the public interest to empower the local authority to enter on the land for the purpose of executing any of the works aforesaid, may direct the Town Planning Officer by notification in the *Official Gazette* to take possession of the land and may also fix the period during which the execution of the said works shall be completed:

Provided that the period so fixed may for sufficient reasons be extended from time to time.

(*3*) The Town Planning Officer shall then give a notice in the prescribed manner to the person interested in the land the possession of which is to be taken by the Town Planning Officer requiring him to give possession of his land to the Town Planning Officer or any person authorized by him in this behalf within a period of one month from the date of service of notice and if no possession is delivered within the period specified in the notice, the Town Planning Officer shall take possession of the land and shall hand over the land to the local authority. Such land shall thereupon, notwithstanding anything contained in section 51 vest absolutely in the local authority free from all encumbrances.

Commissioner or Magistrate to enforce delivery of possession of land.

47. (*1*) If the Town Planning Officer is opposed or impeded in taking possession of the land under section 46, he shall request, in Greater Bombay, the Commissioner of Police, and elsewhere, the District Magistrate to enforce the delivery of possession of the land to the Town Planning Officer. The Commissioner

or the District Magistrate, as the case may be, shall take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for securing the delivery of possession of the land to the Town Planning Officer.

(2) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (1) includes the power to enter upon any land or other property whatsoever.

Owner of land of which possession is taken entitled to interest.

48. The owner of the land the possession of which is taken by the Town Planning Officer under section 46 or 47 shall be entitled to an interest at the rate of 4 per cent. per annum on the amount of compensation payable to him under this Act in respect of the said land from the date on which such possession is taken till the date on which the final scheme in which such land is included comes into force or till the land is restored to the owner under section 50, as the case may be.

Application of Chapter to pending schemes.

49. Notwithstanding anything contained in this Act, it shall be lawful to any local authority to apply to the Town Planning Officer for the splitting up of any pending scheme into sections or for the preparation of a preliminary scheme in respect thereof; and on such application being made, the aforesaid provisions shall, so far as may be, apply to such scheme.

Explanation.—For the purposes of this section, a pending scheme shall mean a scheme in respect of which a declaration of its intention to make a scheme has been made by a local authority under the corresponding provisions of the Bombay Town Planning Act, 1915, but in respect of which the final scheme has not been forwarded to the State Government for sanction under section 40 of the said Act. Bom. I of 1915.

Compensation for land vested in local authority under section 46 and restoration of such land in certain cases.

50. If the local authority has not executed any works on the land for which the land was vested in the local authority under section 46 within the period fixed under sub-section (2) of the said section, the Town Planning Officer shall make or tender to the owner or the person interested in the land such compensation for the damage, if any, done to the land as he may think reasonable and shall restore the land to the owner or person interested therein.

Final scheme.

51. (1) The State Government may, within a period of three months from the date of receipt of the final scheme under section 43 from the Town Planning Officer, by notification in the *Official Gazette*, sanction the scheme or refuse to give such sanction, provided that in sanctioning the scheme the State Government may make such modifications as may in its opinion be necessary for the purposes of correcting an error, irregularity or informality.

(2) If the State Government sanctions such scheme, it shall state in the notification—

(a) the place at which the final scheme is kept open to inspection by the public;

(b) the price at which copies may be obtained;

(c) a date (which shall not be earlier than one month after the date of the publication of the notification) on which all the liabilities created by the scheme shall take effect and the final scheme shall come into force:

Provided that the State Government may from time to time postpone such date, by notification in the *Official Gazette*, by such period, not exceeding three months at a time, as it thinks fit.

(3) On and after the date fixed in such notification a town-planning scheme shall have effect as if it were enacted in this Act.

Withdrawal of scheme.

52. If at any time before the final scheme is forwarded by the Town Planning Officer to the State Government, a representation is made to the Town Planning Officer by the local authority and a majority of the owners in the area that the scheme should be withdrawn, the Town Planning Officer shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, to the State Government. After making such inquiry as it may think fit, the State Government may, by notification in the *Official Gazette*, direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken in regard to such scheme.

Effect of final scheme

53. On the day on which the final scheme comes into force,—

(*a*) all lands required by the local authority shall, unless it is otherwise determined in such scheme, vest absolutely in the local authority free from all encumbrances;

(*b*) all rights in the original plots which have been re-constituted shall determine and the re-constituted plots shall become subject to the rights settled by the Town Planning Officer.

Power of local authority to evict summarily.

54. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the local authority.

Power to enforce scheme.

55. (*1*) On and after the day on which the final scheme comes into force the local authority may after giving the prescribed notice and in accordance with the provisions of the scheme—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the local authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(*2*) Any expenses incurred by the local authority under this section may be recovered from the persons in default or from the owner of the plot in the manner provided for the recovery of sums due to the local authority under the provisions of this Act.

(*3*) If any question arises as to whether any building or work contravenes a town planning scheme, or whether any provision of a town-planning scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the State Government or any officer authorized by the State Government in this behalf and the decision of the State Government or of the officer, as the case may be, shall be final and conclusive and binding on all persons.

Power to vary scheme on ground of error, irregularity or informality.

56. (*1*) If after the final scheme has come into force, the local authority considers that the scheme is defective on account of an error, irregularity or informality, the local authority may apply in writing to the State Government for the variation of the scheme.

(*2*) If on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall publish a draft of such variation in the prescribed manner.

(*3*) The draft variation published under sub-section (*2*) shall state every amend ment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the sub-clauses (*a*) to (*h*) of clause (2) of section 18 the draft variation shall also contain such other particulars as may be prescribed.

(*4*) The draft variation shall be open to the inspection of the public at the office of the local authority during office hours.

(*5*) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the State Government through the Collector and send a copy thereof to the local authority.

(*6*) After receiving the objections under sub-section (*5*) the State Government may, after consulting the local authority and after making such inquiry as it may think fit, by notification in the *Official Gazette*,—

(*a*) appoint a Town Planning Officer and thereupon the provisions contained in Chapter V shall, so far as may be, apply to such draft variation, as if it were a draft scheme sanctioned by the State Government, or a scheme sanctioned by the State Government, or

(*b*) make the variation with or without modifications, or

(*c*) refuse to make the variation.

(*7*) From the date of the notification making the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

Power to vary or revoke town planning scheme.

57. (*1*) Notwithstanding anything contained in section 56 a town-planning scheme may at any time be varied or revoked by a subsequent scheme made, published and sanctioned in accordance with this Act.

(*2*) The State Government—

(*i*) on the application of the local authority, or

(*ii*) of its own motion, after making such inquiry as it deems fit and after giving the local authority an opportunity to be heard,

may at any time, by notification in the *Official Gazette*, revoke a town-planning scheme, if it is satisfied that under the special circumstances of the case the scheme should be so revoked.

Compensation when final scheme is varied or revoked.

58. If at any time after the day on which the final scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the local authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

Apportionment of costs of scheme withdrawn, not sanctioned or revoked.

59. In the event of a town-planning scheme being withdrawn or sanction to a final scheme being refused by the State Government or a final scheme being revoked, the State Government may direct that the costs of the scheme shall be borne by the local authority or be paid to the local authority by the owners concerned, in such proportion as the State Government may in each case determine.

60. Every party to any proceeding before the Town Planning Officer shall be entitled to appear either in person or by his recognized agent. Right to appear by recognized agent.

61. For the purposes of this Act, an officer appointed under sub-section (*1*) of section 19, or a Town Planning Officer or the Board of Appeal may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908. Power to compel attendance of witnesses. V of 1908.

Chapter VII.

Joint Town Planning Schemes.

62. (*1*) When two or more local authorities are of opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the making of a joint town planning scheme, and the State Government agrees with such opinion, a joint Town Planning Board shall be constituted. Joint town-planning schemes.

(*2*) Such Board shall consist of representatives of each of the several local authorities and of persons nominated by the State Government.

(*3*) The representatives of the several local authorities shall be elected in the prescribed manner.

(*4*) Such Board, when duly constituted, shall make a declaration of the intention to make a joint town planning scheme in respect of the contiguous areas in the manner provided in section 22 ; and thereafter the Board shall have all the powers and be liable to all the duties of a local authority under this Act and all the provisions in respect of procedure shall apply so far as may be applicable.

(*5*) The draft joint town-planning scheme shall specify the parts of the scheme to be executed by the several local authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme, have effect in the several contiguous areas as if they are separate schemes :

Provided that any part of a joint town planning scheme may be executed jointly by two or more local authorities.

63. A joint Town Planning Board may, by order in writing, direct that all or any of the powers conferred on it by sections 29, 54 and 55 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by such officer as the joint Town Planning Board may specify in the order. Delegation of certain powers of local authority and joint Town Planning Board.

Chapter VIII.

Finance.

64. (*1*) The costs of a town planning scheme shall include— Costs of scheme.

(*a*) all sums payable by the local authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme ;

(*b*) all sums spent or estimated to be spent by the local authority in the making and in the execution of the scheme;

(*c*) all sums payable as compensation for land reserved or designated for any public purpose or purpose of the local authority which is solely beneficial to the owners or residents within the area of the scheme;

(*d*) such portion of the sums payable as compensation for land reserved or designated for any public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such reservation or designation;

(*e*) all legal expenses incurred by the local authority in the making and in the execution of the scheme;

(*f*) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme with all the buildings and works thereon at that date and without references to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(*2*) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the original plots, each of such plots being estimated in the manner provided in clause (*f*) of sub-section (*1*), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (*1*).

Calculation of increment.

65. For the purposes of this Act the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such values the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

Contribution towards costs of scheme.

66. (*1*) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the local authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer:

Provided that—

(*i*) no such contribution shall exceed half the increment estimated by the Town Planning Officer to accrue in respect of such plot;

(*ii*) where a plot is subject to a mortgage with possession or to a lease the Town Planning Officer shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;

(*iii*) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or purpose of the local authority which is solely for the benefit of owners or residents within the area of the scheme; and

(*iv*) the contribution levied on a plot used, allotted or reserved for a public purpose or purpose of the local authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(*2*) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Certain amount to be added to or deducted from contribution leviable from a person.

67. The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contributions leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (*1*) of section 24 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Transfer of right from original to reconstituted plot or extinction of such right.

68. Any right in an original plot which in the opinion of the Town Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a town-planning scheme to a re-constituted plot shall be so transferred and any right in an original plot which in the opinion of the Town Planning Officer is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

Compensation in respect of property or right injuriously affected by scheme.

69. The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Town Planning Officer within the prescribed time, be entitled to obtain compensation in respect thereof from the local authority or from any person benefited or partly from the local authority and partly from such person as the Town Planning Officer may in each case determine:

Provided that the value of such property or right shall be held to be its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (*1*) of section 24 without reference to improvements contemplated in the scheme.

Exclusion or limitation of compensation in certain cases.

70. (*1*) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious-affection.

(*2*) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which, with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in sub-clause (*j*) of clause (2) of section 18.

Provision for case in which amount payable to owner exceeds amount due from him.

71. If the owner of an original plot is not provided with a plot in the final scheme or if the contribution to be levied from him under section 66 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the local authority in cash or in such other way as may be agreed upon by the parties.

Provision for case in which value of developed plot is less than amount payable by owner.

72. (*1*) If from any cause the total amount which would be due to the local authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Town Planning Officer shall, at the request of the local authority, direct the owner of such plot to make payment to the local authority of the amount of such excess.

(*2*) If such owner fails to make such payment within the prescribed period the Town Planning Officer shall, if the local authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the local authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (*1*) of section 24 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the local authority free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the local authority on account of the value of the original plot shall not be included in the costs of the scheme.

Payment by adjustment of account.

73. All payments due to be made to any person by the local authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the local authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment of net amount due to local authority.

74. (*1*) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in one sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at 4½ per cent. per annum shall be charged on the net amount payable. If the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the local authority, he shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid.

(*2*) Where two or more plots included in the final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot unless the owner and the local authority agree to a different method of distribution.

Power of local authority to make agreements.

75. (*1*) A local authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such

agreement shall take effect on and after the day on which the town planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the Town Planning Officer as described in Chapter V or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Town Planning Officer:

Provided that if the agreement is modified by Government, either party shall have the option of avoiding it if it so elects.

Recovery of arrears.

76. (1) Any sum due to the local authority under this Act or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon.

(2) Any sum due to the local authority under this Act or any regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed by the local authority shall be recoverable by the local authority by distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

(3) In lieu of the recovery of the dues of the local authority in the manner provided in sub-section (2) or after recovering part of the dues of the local authority in the manner provided in sub-section (2) any sum due or the balance of any sum due, as the case may be, by such defaulter may be recovered from him by a suit in any court of competent jurisdiction.

Powers of local authority to borrow money for development plan or for making or executing town planning scheme.

77. (1) A local authority may, for the purpose of a development plan or the making or execution of a town planning scheme, borrow loans in accordance with the provisions of the Act under which the local authority is constituted or if such Act does not contain any provision for such borrowing, in accordance with the Local Authorities Loans Act, 1914.

IX of 1914.

(2) Any expenses incurred by a local authority or the State Government under this Act or in connection with a development plan or a town-planning scheme may be defrayed out of the funds of the local authority.

Offences and penalties.

78. Whoever—

(a) does any work in contravention of section 12,

(b) contravenes the conditions of the commencement certificate granted under sub-section (1) of section 13 or of the sanction granted under sub-section (2) of section 16,

(c) does any work inspite of the refusal to grant a commencement certificate under sub-section (1) of section 13 or sanction under sub-section (2) of section 16,

(d) does any work in contravention of clause (a) or (b) of sub-section (1) of section 29,

shall, on conviction, be punished with fine which may extend to Rs. 1,000 and the Court shall, in such order of conviction, direct that if such contravention continues after the date of the order of conviction, a fine not exceeding Rs. 50 per day for the period during which the contravention continues shall be recovered from the person so convicted :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine shall not be less than two hundred rupees and in the case of a continuing contravention of the provisions, the fine shall not be less than twenty-five rupees.

CHAPTER IX.

Miscellaneous.

Bar of legal proceedings.

79. No suit or other legal proceedings shall be maintained against the State Government, the local authority or any public servant or person duly appointed or authorised under this Act, in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Registration of documents plan or map in connection with final scheme not required.

80. (*1*) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked. XVI of 1908.

(*2*) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act : XVI of 1908.

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

Compulsory acquisition of land needed for purpose of town planning scheme or development plan.

81. Land needed for the purpose of a town-planning scheme or development plan shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. I of 1894.

Vesting of property and rights of local authority ceasing to exist or ceasing to have jurisdiction.

82. When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town-planning scheme, the property and rights vested in such local authority under this Act shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the State Government may, with the consent of such authority or authorities, by notification in the *Official Gazette*, direct ; and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such schemes or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had.

State Government or person appointed by it may exercise power or perform duty conferred or imposed on local authority and disbursement of expenses.

83. (*1*) If in the opinion of the State Government, any local authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or any person or persons appointed in this behalf by the State Government, may exercise such power or perform such duty.

(*2*) Any expenses incurred by the State Government or by such person in exercising such power or performing such duty shall be paid out of the funds of the local authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such funds and such person shall be bound to obey such order.

Power of State Government to acquire lands included in town-planning scheme.

84. (*1*) If at any time the State Government is of opinion that any land included in a town-planning scheme is needed for a public purpose other than that for which it is included in the scheme, it may make a declaration to that effect in the *Official Gazette* in the manner provided in section 6 of the Land Acquisition Act, 1894. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section.

I of 1894.

(*2*) On the publication of a declaration under sub-section (*1*), the Collector shall proceed to take order for the acquisition of the land and the provisions of the Land Acquisition Act, 1894, as amended by the Schedule to this Act shall, so far as may be, apply to the acquisition of the said land.

I of 1894.

(*3*) In the proceedings under the Land Acquisition Act, 1894, the local authority concerned shall be deemed to be a person interested in the land acquired and in determining the amount of compensation to be awarded to the local authority the Collector or the Court, as the case may be, may take into consideration the value, if any, paid by the local authority for the acquisition of the said land under section 81 or otherwise and the proportionate cost of the scheme, if any, incurred by the local authority and rendered abortive by reason of the variation of the scheme on account of such acquisition.

(*4*) On the land vesting in the Government under section 16 or 17 of the Land Acquisition Act, 1894, as the case may be, the scheme shall be deemed to have been suitably varied by reason of acquisition of the land.

I of 1894.

Special provision in case of dissolution or supersession of municipality, corporation or panchayat

85. Where a municipality is dissolved or superseded under sub-section (*1*) of section 179 of the Bombay District Municipal Act, 1901, or under sub-section (*1*) of section 219 of the Bombay Municipal Boroughs Act, 1925, or where a municipal corporation is superseded under sub-section (*1*) of section 452 of the Bombay Provincial Municipal Corporations Act, 1949, or where a panchayat referred to in sub-clause (*b*) of clause (4) of section 2 of this Act is dissolved or superseded under sub-section (*1*) of section 102 of the Bombay Village Panchayats Act, 1933,—

Bom. III of 1901. Bom. XVIII of 1925. Bom. LIX of 1949. Bom. VI of 1933.

(*a*) the person or persons appointed under clause (*b*) of sub-section (*3*) of the said section 179 of the Bombay District Municipal Act, 1901, or under clause (*b*) of sub-section (*2*) of the said section 219 of the Bombay Municipal Boroughs Act, 1925, or under clause (*c*) of sub-section (*2*) of the said section 452 of the Bombay Provincial Municipal Corporations Act, 1949, or under clause (*a*) of sub-section (*4*) of the said section 102 of the Bombay Village Panchayats Act, 1933, as the case may be, shall be deemed to be a municipality, corporation or panchayat, as the case may be, within the meaning of clause (4) of section 2 of this Act, and may exercise all the powers and perform all the duties of a local authority under this Act, during the period of dissolution or supersession of such municipality, corporation or panchayat;

Bom. III of 1901. Bom. XVIII of 1925. Bom. LIX of 1949. Bom. VI of 1933.

(*b*) in the event of a person or persons appointed as aforesaid exercising the powers and performing the duties of a local authority under this Act, any property which may under the provisions of this Act vest in the local authority exercising such powers and performing such duties shall, during the period of dissolution or supersession of the municipality, corporation or panchayat, as the case may be, vest in the State Government, and such property shall, at the end of the said period, vest in such municipality, corporation or panchayat as the State Government may by notification in the *Official Gazette* direct.

Powers of local authority to be exercised by certain officers.

86. For the purposes of sections 29, 54 and 55 the powers and functions of a local authority shall be exercised and performed by the following authorities, namely :—

(*1*) in the case of the Bombay Municipal Corporation and any municipal corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949, by the Municipal Commissioner, Bom. LIX of 1949.

(*2*) in the case of a municipal borough, by the Chief Officer of the municipal borough, and

(*3*) in the case of any other local authority, by the person exercising the powers of the Chief Executive authority.

Rules.

87. (*1*) The State Government may make rules consistent with the provisions of this Act to provide for all matters not specifically enacted therein.

(*2*) In particular and without prejudice to the generality of the foregoing power such rules may be made to determine the following matters :—

(*a*) the procedure to be followed by the officer appointed to hold an inquiry for the purpose of deciding a disputed claim as to ownership under section 19 ;

(*b*) the notice to be given under section 20 ;

(*c*) the manner of publication of a declaration of intention to make a scheme under sub-section (*2*) of section 22 ;

(*d*) the manner of publication of a draft scheme under section 23 ;

(*e*) the further particulars to be prescribed for inclusion in the draft scheme under clause (*h*) of section 25 ;

(*f*) the manner in which and the method according to which compensation shall be payable under section 26 ;

(*g*) the form of the commencement certificate to be granted by a local authority under clause (*a*) of sub-section (*1*) of section 29 and the conditions, if any, to be included therein ;

(*h*) the procedure to be followed by a local authority in making an inquiry under clause (*c*) of sub-section (*1*) of section 29 ;

(*i*) the procedure to be prescribed under section 32 and the notices to be given under clauses (*i*), (*ii*) and (*xiii*) of sub-section (*1*) of that section ;

(*j*) the form in which the Town Planning Officer is to draw up the final scheme under clause (*xiv*) of sub-section (*1*) of section 32 ;

(*k*) the manner of preparing a preliminary scheme under section 45 ;

(*l*) the manner of giving notice under section 46 ;

(*m*) the procedure to be followed by the local authority in summarily evicting a person under section 54 ;

(*n*) the notice to be given by the local authority before it takes action under section 55 ;

(*o*) the manner of publication of a draft variation under sub-section (*2*) and the particulars which a draft variation shall contain under sub-section (*3*) of section 56 ;

(*p*) the manner of election of representatives of the several local authorities under sub-section (*3*) of section 62;

(*q*) the time to be allowed for making a claim to compensation under section 69;

(*r*) the period within which payment is to be made to the local authority under section 72;

(*s*) the manner in which documents, plans and maps shall be made accessible to the public under proviso to section 80;

(*t*) the procedure to be adopted for securing co-operation on the part of the local authority with the owners or persons interested in land proposed to be included in a town planning scheme at every stage of the proceedings by means of conferences and such other means as may be expedient;

(*u*) the procedure to be followed by a Town Planning Officer appointed under this Act;

(*v*) the procedure to be followed generally in carrying out the provisions and objects of this Act;

(*w*) the extent to which the proceedings of local authorities under this Act shall be regulated by any municipal or local law applicable to such authorities.

(*3*) A rule made under this section may provide that a contravention of any of the provisions of the rules which are specified in such rule shall be punishable with fine which may extend to Rs. 1,000 and in the case of continuing contravention with an additional fine which may extend to Rs. 10 for every day during which such contravention continues after conviction for the first such contravention.

(*4*) The power to make rules under this Act shall be subject to the condition of previous publication.

Regulations

88. (*1*) The State Government may make regulations to carry out the purposes included in a development plan.

(*2*) The power to make regulations under sub-section (*1*) shall be subject to the condition of previous publication.

No town-planning scheme or development plan for area for which housing schemes are sanctioned under Bom. LXIX of 1948.

89. Notwithstanding anything contained in this Act, no development plan or town-planning scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948.

Bom. LXIX of 1948.

Repeal and saving.

Bom. I of 1915.

90. (*1*) The Bombay Town Planning Act, 1915, is hereby repealed.

(*2*) Notwithstanding the repeal of the said Act, any declaration of intention to make a scheme, any application made to the State Government for sanction of the making of the scheme, any draft scheme published by a local authority, any application made to the State Government for the sanction of the draft scheme, any sanction given by the State Government to the draft scheme, any restriction imposed upon an owner of land or building against the erection or re-erection of any building or works, any commencement certificate granted, any order of suspension of rule, by-law, regulation,

notification or order made, any appointment made of an arbitrator, any proceeding pending before the arbitrator, any final scheme forwarded to, or sanctioned or varied by the State Government, any recoveries to be made or compensation to be given in respect of any plot under the repealed Act shall, in so far as it is not inconsistent with this Act, continue in force thereunder and provision of this Act shall have effect in relation to such publication, declaration of intention, draft scheme, final scheme, sanction, variation, restriction, proceedings suspension, recoveries or compensation.

(3) All proceedings pending before the Tribunal of Arbitration at the date when this Act comes into force shall be continued before and disposed of by the Board of Appeal, under this Act as if an appeal has been made to it in respect thereof.

SCHEDULE.

(*See* sections 11 and 84.)

Amendments to the Land Acquisition Act, 1894.

Amendment of section 23 of Act I of 1894.

1. For section 23 of the Land Acquisition Act, 1894 (hereinafter called the said Act), the following shall be substituted, namely :— Bom. I of 1894.

Matters to be considered in determining compensation.

"23. In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the Court shall take into consideration the following :—

(1) the market value at the date of the publication of the declaration under section 6 ;

(2) the use to which the land was put at the date of such declaration ;

(3) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him ;

(4) the damage (if any) sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land ;

(5) the damage (if any) sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injurously affecting his other property, moveable or immoveable, in any other manner or his earnings ;

(6) if in consequence of the acquisition of the land the person interested is compelled to change his residence, or place of business, the reasonable expenses, if any, incidental to such change."

Amendment of section 24 of Act I of 1894.

2. For section 24 of the said Act, the following shall be substituted, namely :—

Matters to be neglected in determining compensation.

"24. The Court shall not take into consideration the following :—

(1) the degree of urgency which has led to the acquisition ;

(2) any disinclination of the person interested to part with the land acquired ;

(3) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

(4) any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put ;

(5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

(6) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;

(7) any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the local authority after the date of the publication of the notification under section 6 ;

(8) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law, or for which there is no market apart from the special needs of the local authority ;

(9) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health."

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THE LEPERS (BOMBAY AMENDMENT) ACT, 1955.

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2. Amendment of long title and preamble of Act III of 1898.
3. Insertion of new sections 14A to 14F in Act III of 1898.
4. Insertion of new Form F in Schedule to Act III of 1898.

BOMBAY ACT No. XXVIII OF 1955.[1]

[THE LEPERS (BOMBAY AMENDMENT) ACT, 1955.]

[*16th September 1955*]

An Act to amend the Lepers Act, 1898, in its application to the State of Bombay.

III of 1898. WHEREAS it is expedient to amend the Lepers Act, 1898, in its application to the State of Bombay for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Lepers (Bombay Amendment) Act, 1955. Short title.

III of 1898. 2. In the long title and the preamble of the Lepers Act, 1898, in its application to the State of Bombay (hereinafter called "the said Act") the word "pauper" shall be deleted. Amendment of long title and preamble of Act III of 1898.

3. After section 14 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 14A to 14F in Act III of 1898.

"14A. If it appears to the State Government that in any local area, large bodies of persons are likely to assemble on account of pilgrimage, fair or other such occurrence and that the presence of lepers amidst such assembly of persons is likely to cause the spread of leprosy, the State Government may, by notification in the *Official Gazette*, declare such local area as notified area for such period as may be specified in the notification and order that no leper shall, unless he is a permanent resident of the notified area, enter or remain within the limits of the notified area during the period specified in the notification. Power of State Government to prohibit entry of lepers in notified area.

14B. (*1*) Notwithstanding any law for the time being in force relating to any local authority, it shall be the duty of every local authority within whose local limits the notified area or part thereof is situate, to set up a segregation camp for the reception of lepers. Duty of local authority to set up segregation camp in notified area.

(*2*) Every such segregation camp shall be equipped with adequate supply of water and food and necessary sanitary arrangements.

(*3*) Such segregation camp shall be in charge of an Inspector of Lepers who shall be appointed by the State Government under section 4.

14C. (*1*) Any police officer or any person specially empowered by the State Government by order in writing in this behalf may arrest without a warrant any person, who appears to him to be a leper and who is found to be within the limits of the notified area in contravention of the order issued under section 14A. Power to arrest without warrant leper found in notified area.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 182-183.

(*2*) Such police officer or other person shall forthwith take or send the person so arrested to the nearest convenient segregation camp :

Provided that no person so arrested shall be detained in custody or in the segregation camp without the order of the nearest Magistrate for longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.

Inquiry in respect of lepers and their detention in segregation camps.

14D. (*1*) As soon as a person arrested under section 14C is brought to the segregation camp, the Inspector of Lepers in charge of the camp shall examine such person and—

(*a*) if he finds that such person is not a leper, he shall give him a certificate in Form A set forth in the Schedule, whereupon such person shall be forthwith released from arrest ;

(*b*) if he finds that such person is a leper he shall give to the police officer or the person arresting such person a certificate in Form B set forth in the Schedule whereupon the leper shall forthwith be taken before a Presidency Magistrate in Greater Bombay or elsewhere a Magistrate of the first class having jurisdiction or before any other Magistrate authorised in this behalf by the State Government.

(*2*) If upon the certificate in Form B and after giving to the arrested person an opportunity of being heard, it appears to the Magistrate that such person is a leper, the Magistrate shall record a declaration that such person is a leper and order such person to be detained in such segregation camp as may be specified in the order so long as the notification issued under section 14A is in force and shall send such leper to such segregation camp together with an order in Form F set forth in the Schedule :

Provided that where the person declared to be a leper proves to the satisfaction of the Magistrate that he is a permanent resident of the notified area, the Magistrate shall order that such person shall be forthwith discharged :

Provided further that if the person declared to be a leper shall give an undertaking in writing that he shall forthwith depart from the notified area and shall not enter or remain in the notified area so long as the notification issued under section 14A is in force, then the Magistrate may order that such person be discharged.

Penalty for non-compliance of undertaking.

14E. If any person released from arrest on an undertaking given by him under section 14D fails to comply with such undertaking, he shall, on conviction, be punished with fine which may extend to fifty rupees.

Rearrest of leper escaping from segregation camp.

14F. The provisions of section 12 shall, *mutatis mutandis*, apply to any leper who escapes from a segregation camp."

4. In the Schedule to the said Act, after Form E, the following Form shall be inserted, namely :— Insertion of new Form F in Schedule to Act III of 1898.

"F.—WARRANT OF DETENTION.

(Section 14D)

To

The Inspector of Lepers in charge
of the Segregation Camp at.....

Whereas it has been made to appear to me that (name and description) is a leper as defined in the Lepers Act, 1898 ;

This is to authorise you, the said Inspector of Lepers, to receive the said .....into your custody together with this order and safely to keep him/her in the said segregation camp till the expiry of the .....day of .....

Given under my hand and the seal of the Court this day of 195 .

Seal.

(Signature)

Magistrate."

CHRONOLOGICAL TABLE

TO

BOMBAY CODE, VOLUME IV.

(1955-

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by Legislation.	Date of publication of the Act in the *Official Gazette.*	Page
1	2	3	4	5	6
1955	XXVIII	The Lepers (Bombay Amendment) Act, 1955.			4417
1955	XXIX ...	The Bombay (Second) Repealing and Amending Act, 1955.			4423
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1955	XXXIX	The Code of Criminal Procedure (Bombay Amendment) Act, 1955.			4437
1955	XL ...	The Sardar Vallabhbhai Vidyapeeth Act, 1955.			4443
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1955	XLII	The Maharaja Sayajirao University of Baroda (Amendment) Act, 1955.			4479
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1955	XLIV ...	The Presidency Small Cause Courts (Bombay Amendment) Act, 1955.			4487
1955	XLV ...	The Dabhel-Simlak Madressa (Repealing) Act, 1955.			4491
1955	XLVII	The Bombay Shilotri Rights (Kolaba) Abolition Act, 1955.			4495

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by Legislation.	Date of publication of the Act in the *Official Gazette.*	Page.
1	2	3	4	5	6
1955	XLVIII	The Payment of Wages (Bombay Amendment) Act, 1955.			4499
1955	XLIX	The Bombay Industrial Relations (Amendment) Act, 1955.			4503
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1955	LI ...	The Bombay Land Tenures Abolition (Amendment) Act, 1955.			4511
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1955	LIV ...	The Bombay Municipal Corporation (Second Amendment) Act, 1955.			4523
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THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactment.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

BOMBAY ACT No. XXIX OF 1955.[1]

[THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1955.]

[*7th October 1955*]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1955. Short title.

2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

Repeal.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1950	XXV	The Bombay State Road Transport Act, 1950.	The whole.

THE SECOND SCHEDULE.

Amendments.

(*See* Section 3.)

Year.	No.	Short title	Extent of amendment.
1	2	3	4
1898	V	The Code of Criminal Procedure, 1898.	In section 14, in sub-section (*2*), in the proviso after the word "Assistant" the words "or Deputy" shall be inserted.
1901	III	The Bombay District Municipal Act, 1901.	In section 139, in sub-section (*2*), after the brackets and figures "(*ii*)" the brackets, figures and letter ", (*iia*)" shall be inserted.
1951	XLVIII	The Bombay Homœopathic Act, 1951.	In section 17, in sub-section (*5*), after the words "through the Board" the words "if duly constituted" shall be inserted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, pages 152-153.

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 6,46,19,760 out of the consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. XXXIII OF 1955.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[*19th October 1955*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1955.

Issue of Rs. 6,46,19,760 out of the Consolidated Fund of the State of Bombay for the year 1955-56.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 6,46, 9,760 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	25,437	1,60,273	1,85,710
2	State Excise ...	8, State Excise ...	5,935	8,801	14,736
3	Stamps ...	9, Stamps ...	.....	118	118
4	Forest ...	10, Forest ...	86,510	.....	86,510
5	Registration ...	11, Registration ...	.....	184	184
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	.....	1,554	1,554

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 419.

SCHEDULE—*contd.*

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
7	Other Taxes and Duties.	13, Other Taxes and Duties.	41,080	.....	41,080
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18, Other Revenue Expenditure Financed from Ordinary Revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	6,51,190	.....	6,51,190
9	Interest on Debt and other Obligations.	22, Interest on Debt and other Obligations.	.....	3,10,875	3,10,875
10	Appropriation for Reduction or Avoidance of Debt.	23, Appropriation for Reduction or Avoidance of Debt.	.....	5,65,330	5,65,330
11	General Administration.	25, General Administration.	12,43,182	.....	12,43,182
12	Administration of Justice.	27, Administration of Justice.	61,307	12,190	73,497
13	Jails and Convict Settlements.	28, Jails and Convict Settlements.	20	.....	20
14	Police ...	29, Police ...	44,150	5,394	49,544
15	Dangs District ...	33-A, Dangs District...	80,526	.....	80,526
16	Scientific Departments	36, Scientific Departments.	2,20,010	.....	2,20,010
17	Education ...	37, Education ...	25,68,784	.....	25,68,784
18	Medical ...	38, Medical ...	3,15,129	.....	3,15,129
19	Public Health ...	39, Public Health ...	18,43,267	.....	18,43,267
20	Agriculture ...	40, Agriculture ...	2,03,596	.....	2,03,596
21	Veterinary ...	41, Veterinary ...	2,19,186	.....	2,19,186
22	Co-operation ...	42, Co-operation ...	2,56,300	.....	2,56,300
23	Industries ...	48, Industries ...	45,224	.....	45,224
24	Industrial Development.	43-A, Capital Outlay on Industrial Development.	2,35,532	.....	2,35,532
25	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	68,32,717	.....	68,32,717
26	Labour ...	47, Miscellaneous Departments.	17,247	.....	17,247

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
27	Civil Works ...	50, Civil Works ...	34,82,201	46,230	35,28,431
28	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	1,47,200	.....	1,47,200
29	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	2,500	.....	2,500
30	Famine ...	54, Famine ...	.....	1,129	1,129
31	Stationery and Printing.	56, Stationery and Printing.	40,300	...	40,300
32	Miscellaneous ...	57, Miscellaneous ...	34,51,170	1,307	34,52,477
33	Civil Defence ...	64-B, Civil Defence ...	2,070	.....	2,070
		Total, Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	2,21,21,770	11,13,385	2,32,35,155
34	Irrigation ...	68, Construction of Irrigation, etc. Works.	4,65,595	.....	4,65,595
35	Public Health ...	70, Capital Outlay on Improvement of Public Health.	24,622	.....	24,622
36	Bombay Development Scheme.	80, Bombay Development Scheme.	7,500	.....	7,500
37	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	2,53,818	250	2,54,068
38	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	84,016	.....	84,016
39	Housing of Displaced persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,16,673	5,675	2,22,348
40	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of Government Trading.	68,10,641	.....	68,10,641
		Total, Capital Expenditure outside the Revenue Account.	78,62,865	5,925	78,68,790
41	Floating Debt ...	Floating Debt ...	.....	20,04,182	20,04,182
42	Loans from the Central Government.	Loans from the Central Government	.....	5,65,330	5,65,330
43	Loans and Advances bearing interest.	Loans and Advances by State Government.	3,07,03,287	2,43,016	3,09,46,303
		Total, Disbursement under Debt Heads.	3,07,03,287	28,12,528	3,35,15,815
		Grand Total ...	6,06,87,922	39,31,838	6,46,19,760

THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-12. [*Amendments made by sections 2 to 12 have been incorporated in the Bombay District Municipal Act, 1901.*]

13. Amendments made by sections 2 to 4 and 8 to apply to elections held after 31st December 1955.

14-22. [*Amendments made by sections 14 to 22 have been incorporated in the Bombay Municipal Boroughs Act, 1925.*]

23. Amendments made by sections 14, 15 and 18 to apply to elections held after 31st December 1955.

BOMBAY ACT No. XXXV OF 1955.[1]

[THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1955.]

[*21st October 1955*]

An Act further to amend the Bombay District Municipal Act, 1901 and the Bombay Municipal Boroughs Act, 1925.

Bom. III of 1901. Bom. XVIII of 1925.

WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901 and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1955. Short title.

2-12. [*Amendments made by sections 2 to 12 have been incorporated in the Bombay District Municipal Act, 1901.*]

13. The amendments made in the District Municipal Act by sections 2 to 4 (both inclusive) and by section 8 of this Act shall have effect for the purposes of elections of members for any ward of the municipal district to be held under the District Municipal Act after the thirty-first day of December 1955 and for all subsequent elections. For the purposes of any elections to be held during the period from the date of the coming into force of this Act to the thirty-first day of December 1955 (both inclusive) the list of voters in force on the date of the coming into force of this Act shall continue to operate. Amendments made by sections 2 to 4 and 8 to apply to elections held after 31st December 1955.

14-22. [*Amendments made by sections 14 to 22 have been incorporated in the Bombay Municipal Boroughs Act, 1925.*]

23. The amendments made in the Municipal Boroughs Act by sections 14, 15 and 18 of this Act shall have effect for the purposes of elections of members for any ward of the municipal borough to be held under the Municipal Boroughs Act after the thirty-first day of December 1955 and for all subsequent elections. For the purposes of any elections to be held during the period from the date of the coming into force of this Act to the thirty-first day of December 1955 (both inclusive) the list of voters in force on the date of the coming into force of this Act shall continue to operate. Amendments made by sections 14, 15 and 18 to apply to elections held after 31st December 1955.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 143.

THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 14 of Act V of 1898.
3. Amendment of section 30 of Act V of 1898.
4. Insertion of new section 406AA in Act V of 1898.
5. Amendment of section 408 of Act V of 1898.
6. Amendment of section 435 of Act V of 1898.
7. Amendment of section 436 of Act V of 1898.
8. Insertion of new section 438A in Act V of 1898.
9. Amendment of section 505 of Act V of 1898.

BOMBAY ACT No. XXXIX OF 1955.[1]

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1955.]

[*28th October 1955*]

An Act further to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

V of 1898. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1955.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 14 of Act V of 1898.

V of 1898. 2. For section 14 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the " said Code "), the following shall be substituted, namely :—

Special Magistrates.

" 14 (*1*) The State Government may, in consultation with the High Court, confer upon any person who holds or has held any judicial post under the Union or a State, or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the *Official Gazette*, all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may, in consultation with the High Court, by general or special order, direct.

(*2*) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may, by general or special order, direct :

Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assistant Superintendent and no power shall be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(*3*) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (*2*) ".

Amendment of section 30 of Act V of 1898.

3. In section 30 of the said Code, the words " District Magistrate ", at both the places where they occur, shall be deleted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 413.

Insertion of new section 406AA in Act V of 1898.

4. After section 406 of the said Code, the following section shall be inserted, namely :—

Appeal from direction made by District Magistrate to make further inquiry into proceedings in which an order of release or discharge has been made under section 119.

"406AA. Any person aggrieved by a direction made by a District Magistrate under sub-section (2) of section 436 requiring any Sub-Divisional Magistrate or any other Executive Magistrate subordinate to him to make further inquiry into any proceedings in which an order of release or discharge has been made by him under section 119 may appeal against such direction to the Court of Session.".

Amendment of section 408 of Act V of 1898.

5. For section 408 of the said Code, the following shall be substituted, namely —

Appeal from sentence of Assistant Sessions Judge or any Magistrate.

"408. Any person convicted on a trial held by an Assistant Sessions Judge or a Judicial Magistrate or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate may appeal to the Court of Session :

Provided as follows :—

(*1*) when in any case an Assistant Sessions Judge or a Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years, the appeal of all or any of the accused convicted at such trial shall lie to the High Court ;

(*2*) when any person is convicted by a Magistrate of an offence under section 124A of the Indian Penal Code, the appeal shall lie to the High Court." XLV of 1860.

Amendment of section 435 of Act V of 1898.

6. In section 435 of the said Code, for sub-section (*4*) the following shall be substituted, namely :—

"(*4*) The High Court may call for and examine the record of any proceeding in respect of an order made under section 118, 122, 143, 144 or 145, notwithstanding the fact that such proceeding was before an Executive Magistrate or the Commissioner of Police, as the case may be."

Amendment of section 436 of Act V of 1898.

7. In section 436 of the said Code, in sub-section (*2*), after the words "inquiry into any proceedings" the words and figures "in which an order of release or discharge has been made under section 119" shall be inserted.

8. After s ction 438 of the said Code, the following section shall be inserted, namely :— Insertion of new section 438A in Act V of 1898.

"438A. On examining under section 435 or otherwise the record of any proceeding,— Power of District Magistrate to report to High Court or decide finally proceedings called for.

(*1*) if such proceeding is in respect of an order made under section 118, 122, 143, 144 or 145 and the District Magistrate thinks that the order made in such proceeding should be reversed or altered, he shall report for the orders of the High Court the result of such examination ;

(*2*) if such proceeding is in respect of an order made under any other section, then in the case of such proceeding the District Magistrate may, subject to the provisions of sub-section (*2*) of section 436, exercise any of the powers conferred on a Court of Appeal by sections 423, 426, 427 and 428."

9. In section 505 of the said Code, for sub-section (*1*) the following shall be substituted, namely :— Amendment of section 505 of Act V of 1898.

"(*1*) Upon receipt of the commission, the District Magistrate or such Magistrate subordinate to him as he may appoint in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code."

THE SARDAR VALLABHBHAI VIDYAPEETH ACT, 1955.

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61. Completion of courses of students in Colleges affiliated to the Gujarat University.
62. Appointment of the first Vice-Chancellor.
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64. Transitory powers of the first Vice-Chancellor.
65. First appointment of the officers and teachers of the University.
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67. Removal by State Government of difficulties at the commencement of the Act.

SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. XL OF 1955.[1]

[THE SARDAR VALLABHBHAI VIDYAPEETH ACT, 1955.]

[*31st October 1955*]

An Act to establish and incorporate a teaching and affiliating University at Vallabh Vidyanagar.

WHEREAS it is necessary to accelerate the process of regeneration of villages by the application of modern arts, sciences and technology to rural requirements ;

AND WHEREAS it is also necessary and expedient to establish and incorporate a teaching and affiliating University with Hindi in Devnagari script as the medium of instruction and examination in a rural setting at Vallabh Vidyanagar : It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Sardar Vallabhbhai Vidyapeeth Act, 1955.

(*2*) This section shall come into force at once.

(*3*) The State Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " affiliated college " means a college affiliated under section 44 and includes also a college deemed to be affiliated under section 5 ;

(*2*) " college " means a degree college or an intermediate college ;

(*3*) " constituent college " means a university college or an affiliated college made constituent under section 50 ;

(*4*) " degree college " means a college, which is authorized to submit its students to an examination qualifying for any degree of the University ;

(*5*) " department " means a department designated as such by the Ordinances with reference to a subject or a group of subjects ;

(*6*) " Director of Education " means the Director of Education, Bombay State ;

(*7*) " Fellow " means an *ex-officio* Fellow or an Ordinary Fellow appointed under the provisions of this Act ;

(*8*) " Head Master " means the head of a High School ;

(*9*) " Head of Department " means a teacher principally responsible for instruction, training or research in a department ;

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(*10*) " High School " means a high school which has been recognized as a full-fledged high school by the Director of Education, or by an officer authorized by him in that behalf in accordance with the provisions of the Bombay Secondary School Certificate Examination Act, 1948 ;

(*11*) " hostel " means a unit of residence for students maintained or recognized by the University under this Act ;

(*12*) " intermediate college " means a college other than a degree college ;

(*13*) " prescribed " means prescribed by Statutes or Ordinances ;

(*14*) " Principal " means the head of a college ;

(*15*) " recognized institution " means an institution recognized under section 46 and includes also an institution deemed to have been recognized under section 5 ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 232.

(*16*) "registered graduate" means a graduate registered under section 16;

(*17*) "Schedule" means a schedule appended to this Act;

(*18*) "secondary teachers" means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by Statutes;

(*19*) "Statutes" and "Ordinances" mean respectively, the Statutes and Ordinances of the University made under this Act and for the time being in force;

(*20*) "teacher" means a professor, reader or lecturer, imparting instruction or guiding research in the University, an affiliated college or recognized institution or such other person as may be declared to be a teacher by the Statutes;

(*21*) "Teacher of the University" means a teacher appointed or recognized by the University for imparting instruction on its behalf;

(*22*) "University" means the Sardar Vallabhbhai Vidyapeeth;

(*23*) "University Area" means the area specified in Schedule I;

(*24*) "University College" means a college which the University may establish or maintain under this Act or a college transferred to the University and maintained by it;

(*25*) "University Department" means any collegiate or post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the Vice-Chancellor, the Fellows and the members of the Syndicate of the University and all persons who may hereafter be appointed or elected as such officers, Fellows or members under this Act, so long as they continue to be such officers, Fellows or members, are hereby constituted and declared to be one body corporate by the name of the Sardar Vallabhbhai Vidyapeeth, and such body corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(*2*) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by, it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely:—

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and for the advancement and dissemination of knowledge;

(*2*) to make such provision as would enable affiliated colleges and recognized institutions to undertake specialization of studies;

(*3*) to organise, control and co-ordinate the programme of teaching and research and other activities of the University, whether carried on in constituent colleges or in University Departments or in affiliated Colleges or recognised institutions;

(*4*) to organize university laboratories, libraries, museums and other equipment for teaching and research;

(*5*) to establish, maintain and manage colleges, departments or practising schools and institutions attached to colleges, departments or schools for the purpose of practical work, experiment, research or preparatory instruction and institutes of research or specialized studies:

(*6*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University;

(*7*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University;

(*8*) to lay down the courses of instruction for various examinations;

(*9*) to guide the teaching in colleges or recognized institutions;

(*10*) to institute degrees, diplomas and other academic distinctions;

(*11*) to hold examinations including University Entrance examination and confer degrees, diplomas and other academic distinctions on persons who—

(*a*) have pursued approved courses of study in the University or in an affiliated college or in a recognized institution unless exempted therefrom in the manner prescribed by the Statutes or Ordinances and have passed the examinations prescribed by the University, or

(*b*) have carried on research under conditions prescribed by the Ordinances;

(*12*) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;

(*13*) to grant such diplomas and certificates to, and to provide such lectures, instruction and training, for persons not being enrolled students of the University as the University may determine by the Statutes and Ordinances;

(*14*) to admit educational institutions to the privileges of the University and to withdraw such privileges;

(*15*) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained in them;

(*16*) to control and co-ordinate the activities of, and give financial aid to, affiliated colleges and recognized institutions;

(*17*) to hold and manage trusts and endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*18*) to make special provision for the spread of University education among classes and communities, which are educationally backward;

(*19*) to make special provision for disseminating knowledge and promoting arts and culture;

(*20*) to fix, to demand and to receive such fees and other charges as may be prescribed by the Ordinances;

(*21*) to establish, maintain and manage hostels;

(*22*) to recognize hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;

(*23*) to supervise and control the conduct and discipline of the students of the University and to provide for and to supervise and control their residence and to make arrangements for promoting their health and general welfare;

(*24*) to conduct, co-ordinate, regulate and control post-graduate research work and teaching in the affiliated colleges and the institutions recognized by the University ;

(*25*) to co-ordinate, regulate and control the conduct of post-intermediate teaching and instruction in affiliated colleges and to undertake the same in University Colleges ;

(*26*) to institute and manage—

(*a*) Printing and Publication Department,

(*b*) University Extension Boards,

(*c*) Information Bureaux, and

(*d*) Employment Bureaux ;

(*27*) to make provision—

(*a*) for extra-mural teaching and research,

(*b*) for physical and military training,

(*c*) for Students' Unions, and

(*d*) for sports and athletic clubs ;

(*28*) to provide for training for competitive examinations for services under the Union or the State Governments ;

(*29*) to promote the development of the study of Hindi in Devnagari script and of Gujarati and the use of such Hindi as a medium of instruction and examination ;

(*30*) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(*31*) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

Jurisdiction and admission to privileges.

5. (*1*) No educational institution situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any privileges of, any other University established by law.

(*2*) Any such privileges enjoyed from such other University, before the date on which this section comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

(*3*) With effect from such date all educational institutions admitted to the privileges of the Gujarat University and situate within the University area shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the Gujarat University immediately before such date.

(*4*) If any educational institution using Hindi in Devnagari script as the medium of instruction conducted by it–

(*a*) is situate within the University area of any other University established by law in the State of Bombay, or

(*b*) is eligible for being admitted to the privileges of the Shreemati Nathibai Damodar Thackersey Women's University established under the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949 (hereinafter referred to as the Women's University)

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and such University refuses to admit such institution to its privileges on the ground of the medium of instruction in such institution, then such institution may apply to the University for being admitted to the privileges of the University and the University may, with the sanction of the State Government and subject to such conditions as the University and the State Government may think fit to impose, admit such institution to its privileges.

University open to all irrespective of religion, race, caste, sex, place of birth or opinion.

6. (*1*) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma, or other academic distinction or course of study on the grounds only of religion, race, caste, sex, place of birth, or political or other opinion :

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognize any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of classes and communities which are educationally backward, places for the purposes of admission as students in any college or institution maintained or controlled by the University.

(*2*) It shall not be lawful for the University to impose on any person any test whatsoever relating to religion, race, caste, sex, place of birth, or political or other opinion in order to entitle him to be admitted as a teacher or to hold any office in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

Inspection and inquiry.

7. (*1*) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel maintained or recognized by, or affiliated to, the University, of the teaching and other work conducted by the University, and of the conduct of examinations held by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(*2*) The Chancellor shall communicate to the Syndicate and to the Senate his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Syndicate and the Senate thereon, advise the University on the action to be taken.

(*3*) The Syndicate shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(*4*) Where the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

Officers of the University.

8. The following shall be the officers of the University, namely :—

(*i*) the Chancellor,

(*ii*) the Vice-Chancellor,

(*iii*) the Deans of Faculties,

(*iv*) the Registrar, and

(*v*) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

The Chancellor.

9. (*1*) The Governor of Bombay for the time being shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at the meetings of the Senate and at any convocation of the University ;

(*2*) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

The Vice-Chancellor.

10. (*1*) The Vice-Chancellor shall be appointed by the State Government.

(*2*) The Vice-Chancellor shall hold office for a term of three years.

(*3*) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall, as soon as possible and subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor, as it may think fit. Until such arrangements are made, the Senior Dean shall carry on the current duties of the office of the Vice-Chancellor.

(*4*) The Vice-Chancellor shall be an honorary Officer, but the Senate may, by Statutes, make the office of the Vice-Chancellor a whole-time salaried office ; the Senate may also determine the emoluments to be paid for such office, whether honorary or salaried, and prescribe the conditions subject to which such office shall be held :

Provided that any appointment to the office of the Vice-Chancellor made under sub-section (*3*) during a temporary vacancy in such office shall be honorary.

Explanation.—If any question arises as to who is the Senior Dean, it shall be decided by the Vice-Chancellor, whose decision shall be final.

Powers of Vice-Chancellor.

11. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at a meeting of the Senate and any convocation of the University. He shall be an *ex-officio* member and the Chairman of the Syndicate and of such other authorities of the University of which he is a member. He shall be entitled to be present, with the right to address, at any meeting of any other authority or body of the University.

(*2*) The Vice-Chancellor shall have power to convene meetings of the Senate and the Syndicate. He may delegate this power to any other officer of the University.

(*3*) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and Ordinances are faithfully observed and he shall have all powers necessary for the purpose.

(*4*) (*a*) In an emergency, which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary, and shall at the earliest opportunity thereafter report the action to such officer, authority or body, as would have in the ordinary course, dealt with the matter.

(*b*) When action taken by the Vice-Chancellor, under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate through the officer, authority or body mentioned in clause (*a*) within fifteen days from the date on which such action is communicated to him.

(*5*) The Vice-Chancellor shall give effect to the decisions or orders of the Syndicate regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the proper administration of the affairs of the University in accordance with this Act, the Statutes and Ordinances.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

Registrar.

12. The Registrar shall be a whole-time salaried officer and shall act as the Secretary of the Senate and of the Syndicate. He shall be appointed by the Syndicate in accordance with the Statutes to be made in this behalf, and his emoluments and conditions of service shall be such as may be prescribed by the Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes and Ordinances.

Other officers.

13. The appointment of other officers of the University referred to in clause (*v*) of section 8 shall be made in such manner and the conditions of their service and their powers and duties shall be such as may be prescribed by the Statutes and Ordinances.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

Authorities of University.

14. The following shall be the authorities of the University :—

(1) the Senate,
(2) the Syndicate,
(3) the Faculties,
(4) the Boards of Studies,
(5) the Board of Post-graduate Studies and Research,
(6) such other bodies of the University as the Senate may declare by Statutes to be the authorities of the University.

(A) *The Senate.*

Constitution of Senate.

15. The Senate shall consist of the following :—

I. *Ex-officio Fellows.*

(A) (*i*) The Chancellor,
(*ii*) The Vice-Chancellor,
(*iii*) The ex-Vice-Chancellors of the University,
(*iv*) The Heads of University Departments,
(*v*) The Registrar.

(B) (*i*) The Chief Justice of Bombay,
(*ii*) The Minister of Education, Bombay,
(*iii*) The Deputy Minister of Education, Bombay,
(*iv*) The Vice-Chancellors of other Universities established by law in the State of Bombay,
(*v*) The Secretary to the Government of Bombay, Education Department,
(*vi*) The Director of Education or his nominee who shall not be lower in rank than that of a Deputy Director of Education,
(*vii*) The Surgeon-General with the Government of Bombay,
(*viii*) The Director of Animal Husbandry and Veterinary Science,
(*ix*) The Director of Agriculture or Joint or Deputy Director of Agriculture designated by the State Government,
(*x*) The Director of Industries,
(*xi*) The Director of Technical Education,
(*xii*) The Chief Engineer or a Superintending Engineer, Public Works Department, nominated by the State Government,
(*xiii*) The Chairman of the Secondary School Certificate Examination Board.

(C) (*i*) Deans of Faculties,
(*ii*) Principals of Colleges,
(*iii*) The Head Master of the G. J. Sharda Mandir at Vallabh Vidyanagar.

(D) (*i*) (*a*) the President,
(*b*) the Chairman, and
(*c*) the Secretary,
of the Charutar Vidya Mandal;
(*ii*) two senior members of the Council of the Charutar Vidya Mandal for the time being.

II. *Ordinary Fellows.*

(A) Elected as specified below :—

(*i*) One teacher from each of the Faculties elected by the teachers of subjects comprised under that Faculty.

(*ii*) One teacher from each of the affiliated colleges, constituent colleges and recognized institutions to be elected by the teachers in each college or institution, as the case may be.

(*iii*) Five representatives of the registered graduates of the Uni it, to be elected faculty-wise as determined by Statutes; such represent ves being persons who are not teachers or secondary teachers :

Provided that no faculty shall be represented by more than one representative.

(*iv*) One representative to be elected by Head Masters, other than the Head Master of the G. J. Sharda Mandir at Vallabh Vidyanagar, in the University area from amongst themselves.

(*v*) One representative to be elected by secondary teachers in the University area from amongst themselves, such representative not being a Head Master.

(*vi*) One representative to be elected by the members of the Bombay Legislative Assembly from amongst its members :

Provided that every person elected under clauses (*i*) to (*vi*) shall continue to hold the office of a Fellow only so long as he is a member of the electing body.

(B) (*i*) Three representatives of the Birla Education Trust to be nominated by the Birla Education Trust.

(*ii*) Two representatives of the Institute of Agriculture,—who shall be one nominated by the trustees of Sheth Mansukhlal Chhaganlal Trust and one nominated by the trustees of Seth Mungalal Goenka Trust.

(*iii*) Each of the donors other than a donor to whom clause (*i*) or (*ii*) applies, giving—

(*a*) to, or for the purposes of, the University, or

(*b*) to, or for the purposes of, a College or institution affiliated to, or recognised by, the University,

a donation of money or other property of the value of not less than five lakhs of rupees or the person nominated by him.

Such donor shall, if willing to serve, be a Fellow for a period of twenty years from the date of the acceptance of such donation by the Syndicate, college or institution, as the case may be :

Provided that the right of making such nomination shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the Syndicate, college or institution, as the case may be, and the tenure of the office of the nominee shall not exceed five years.

(*iv*) Five representatives to be elected in the manner specified below from amongst themselves by donors other than those to whom clause (*i*), (*ii*) or (*iii*) applies, each donating money or property of the value of not less than one lakh of rupees—

(*a*) to, or for the purposes of, the University or

(*b*) to, or for the purposes of, a college or institution affiliated to, or recognized by, the University—

(*1*) if the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University ;

(*2*) if the donor is an undivided Hindu family, trust, firm, company, or body corporate, for the purpose of voting, the name of the person nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University ;

(*3*) where sub-clause (*1*) does not apply, the persons whose names are enrolled on the register under sub-clauses (1) and (2) shall elect five representatives to the Senate ;

(*4*) if the number of names enrolled under sub-clauses (1) and (2) is five or less than five, each person whose name is so enrolled shall be deemed to have been elected :

Provided that the right of electing representatives on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the college, institution or Syndicate, as the case may be.

Explanation I.—In clauses (*iii*) and (*iv*) of paragraph (B), the reference to donors each donating money or other property of the value of not less than five lakhs or one lakh of rupees, as the case may be, shall include donors each of whom has donated money or other property of the value of not less than five lakhs or one lakh of rupees, as the case may be, to, or for the purposes of, the college or institution prior to the date on which such college or institution was deemed to be affiliated or recognized and admitted to the privileges of the University under section 5 or affiliated to, or recognized by, the University under section 44 or 46, as the case may be.

Explanation II.—For the purposes of clauses (*iii*) and (*iv*) of paragraph (B), the value of the property means, in the case of property donated, whether prior to or after the date of the coming into force of this Act, the market value of the property at the date of acceptance. The decision as to the market value shall rest with the Syndicate and shall be final.

(C) Five persons nominated by the State Government.

Registered graduates.

16. (*1*) Subject to the provisions of sub-section (*2*), the following persons shall be entitled to have their names entered in the register of graduates or to be registered graduates, namely :—

(*a*) persons who are the graduates of the University,

(*b*) persons who being graduates of any other University are recognized as registered graduates in accordance with the Statutes.

(*2*) A person—

(*a*) who is of unsound mind and stands so declared by a competent court,

(*b*) who is an undischarged insolvent,

(*c*) who is convicted by a Court of an offence punishable with transportation for life or imprisonment for more than six months and such offence involves moral turpitude, or

(*d*) who is a registered graduate of any other University established by law in the State of Bombay

shall be disqualified to have his name entered in the register of graduates or to be a registered graduate :

Provided that the disqualification in clause (*d*) shall not apply to a person, if within six months from the date of the commencement of this Act such person elects to be a registered graduate of the University only and intimates to the Registrar that he has so made his election. Upon such intimation such person shall cease to be a registered graduate of any other University established by law in the State of Bombay.

(*3*) Every person who intends to be a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by Ordinances. After making such inquiry as he thinks fit, the Vice-Chancellor shall decide whether a person is entitled to be or not to be a registered graduate.

(*4*) If any question arises whether a person is entitled to have his name entered in the register of graduates or to be a registered graduate or is disqualified to be a registered graduate, it shall be decided by the Vice-Chancellor whose decision shall be final.

Vacating of office.

17. (*1*) Any Ordinary Fellow may, by a letter addressed to the Chancellor, resign his office and on the acceptance of his resignation the office shall become vacant.

(*2*) If, for a period of two consecutive years, any Ordinary Fellow, except a fellow nominated or elected under paragraph (B) under heading "II. *Ordinary Fellows*" in section 15, has not attended a meeting of the Senate, other than a convocation, the Chancellor may declare his office to be vacant.

(*3*) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.

Term of office of Ordinary Fellows.

18. (*1*) The Ordinary Fellows shall, save as herein otherwise provided, hold office for five years.

(*2*) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

Appointment of Fellow may be cancelled.

19. (*1*) The Chancellor may, on the recommendation of the Senate supported by a majority of not less than two-thirds of the number of Fellows present at the meeting and such majority comprising not less than one-half of the total number of Fellows, cancel the appointment of an Ordinary Fellow of the University if in his opinion, he has been convicted by a court of law of any offence which is serious and involves moral turpitude or if he has been guilty of disgraceful conduct:

Provided that the Senate shall give to the Fellow concerned an opportunity to be heard in his defence before making such recommendation.

(*2*) As soon as such order is notified in the *Official Gazette*, such person shall cease to be a Fellow; and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the Chancellor by a notification in the *Official Gazette*.

Powers and duties of Senate.

20. (*1*) Subject to such conditions as may be provided by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely:—

(*i*) to make provision for instruction, teaching and practical training in such branches of learning and courses of study, as it may think fit, for research and for the advancement of learning, dissemination of knowledge and improvement of technical skill;

(*ii*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies and to organize and make provision for University laboratories, libraries, museums and other equipment for teaching and research;

(*iii*) to establish and maintain colleges, departments, hostels and institutions of research and specialized studies ;

(*iv*) to institute and maintain professorships, readerships, lecturerships and other posts of teachers required by the University ;

(*v*) to institute and maintain fellowships, travelling fellowships, scholarships, studentships, exhibitions and medals ;

(*vi*) to institute and confer degrees, diplomas and other academic distinctions ;

(*vii*) to confer, on the recommendation of the Syndicate, honorary degrees or other academic distinctions ;

(*viii*) to make, amend or repeal Statutes ;

(*ix*) to consider the annual accounts and the annual financial estimates placed before it by the Syndicate and pass them with such modifications as the Senate may deem fit ;

(*x*) to consider and cancel or refer back, but not amend, Ordinances ;

(*xi*) to consider the annual reports and to pass resolutions on and adopt such reports ;

(*xii*) to elect office-bearers and authorities as provided in this Act and the Statutes ;

(*xiii*) to make grants from the funds of the University for the purposes of the National Cadet Corps ;

(*xiv*) to make provision for the physical and military training of students ;

(*xv*) to provide for training for competitive examinations for services under the Union or the State Governments ;

(*xvi*) to lay down scales of salaries and conditions of employment of members of the staff in constituent colleges and constituent recognized institutions, and to ensure the observance of the same through the Syndicate ;

(*xvii*) to exercise such powers and perform such duties as may be conferred or imposed upon it by or under this Act ;

(*xviii*) to exercise such other powers and perform such other duties as may be necessary to give effect to the provisions of this Act.

(*2*) The powers and duties under clauses (*i*) to (*vi*) of sub-section (*1*) shall not be exercised except upon recommendations made by the Syndicate.

Meetings of the Senate.

21. (*1*) The Senate shall on a date to be fixed by the Vice-Chancellor meet once a year at a meeting to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may whenever he thinks fit and shall upon a requisition in writing signed by not less than fifteen members of the Senate convene a special meeting of the Senate.

(B) *Syndicate.*

The Syndicate.

22. (*1*) The Syndicate shall be the executive authority as well as the academic body of the University and shall consist of the following, namely :—

(*a*) The Vice-Chancellor,

(*b*) The Director of Education or his nominee who shall not be lower in rank than that of a Deputy Director of Education,

(*c*) Principals of degree colleges,

(*d*) Seven persons elected by the Senate in accordance with the Statutes from among the Fellows of whom two shall be the representatives of the Charutar Vidya Mandal, one shall be the representative of the Birla Education Trust and one shall be the representative of the Institute of Agriculture :

Provided that a member elected under clause (*d*) shall cease to hold office as such member if he ceases to occupy the office or to come under the designation which entitled him to be so elected.

(*2*) The term of office of the elected members of the Syndicate shall be three years.

(*3*) If for any reason whatsoever the elected member remains absent from four consecutive ordinary meetings of the Syndicate, he shall vacate his seat on the Syndicate.

Powers and duties of Syndicate.

23. (*1*) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate shall have the following powers and perform the following duties, namely :—

(*i*) to hold, control and administer the property and Funds of the University ;

(*ii*) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise or performance of, the powers and duties assigned to it by this Act and the Statutes ;

(*iii*) to determine the form of, provide for the custody and regulate the use of the common seal of the University ;

(*iv*) to administer funds placed at the disposal of the University for specific purposes ;

(*v*) to prepare the annual accounts and to frame the annual financial estimates of the University and to submit them to the Senate ;

(*vi*) subject to clause (*ix*) of sub-section (*1*) of section 20, at any time during an official year,—

(*a*) to reduce the amount of the budget grant,

(*b*) to sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head, or

(*c*) to sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another ;

(*vii*) to make provision for buildings, premises, furniture, apparatus, books and other means needed for carrying on the work of the University ;

(*viii*) to accept on behalf of the University trusts, bequests, donations and transfers of any movable or immovable property to the University ,

(*ix*) to transfer any movable or immovable property on behalf of the University ;

(*x*) to manage and regulate the finances, accounts and investments of the University ;

(*xi*) to institute—

(*a*) a Printing and Publication Department ;

(*b*) an Information Bureau ; and

(*c*) an Employment Bureau ;

(*xii*) to make provision for—

(*a*) (*i*) extra-mural teaching and research ; and

(*ii*) University Extension activities ;

(*b*) Physical and military training ;

(*c*) Students' Union ;

(*d*) Sports and athletic clubs ; and

(*e*) Students' welfare ;

(*xiii*) to manage colleges, departments, institutions of research or specialized studies, laboratories, libraries, museums and hostels maintained by the University;

(*xiv*) to recognize hostels and to provide housing accommodation for teachers of the University;

(*xv*) to arrange for and direct the inspection of affiliated colleges, recognized institutions and hostels, and to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and payment of adequate salaries, and, in case of disregard of such instructions, to recommend to the Senate modifications of the conditions of affiliation or taking of such other steps as it deems proper in that behalf;

(*xvi*) to call for reports, returns and other information from affiliated colleges, recognized institutions or hostels;

(*xvii*) to supervise and control the admission, conduct and discipline of the students of the University and to supervise and control their residence and to make arrangements for promoting their health and general welfare;

(*xviii*) to recommend to the Senate the conferment of honorary degrees, and academic distinctions in the manner prescribed by Statutes;

(*xix*) to award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*xx*) to appoint Heads of Departments in accordance with Statutes;

(*xxi*) save as otherwise provided by this Act, or the Statutes, to appoint on the recommendation of a committee of selection, if any, as required by this Act or Statutes, the officers (other than the Chancellor and the Vice-Chancellor), teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts;

(*xxii*) to recognize a member of the staff of an affiliated college or recognized institution as a teacher of the University and withdraw such recognition;

(*xxiii*) to lay down courses of studies;

(*xxiv*) to arrange for co-ordination of studies and teaching in University and affiliated colleges and in recognised institutions;

(*xxv*) to hold and conduct examinations;

(*xxvi*) to lay down conditions on which students shall be admitted to examinations;

(*xxvii*) to grant exemptions to students from approved courses of studies in the University or in affiliated colleges or recognised institutions for qualifying for degrees, diplomas and other academic distinctions;

(*xxviii*) to appoint examiners, to fix their remuneration and to arrange for the conduct of, and for publishing the results of the University examinations and other tests;

(*xxix*) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;

(*xxx*) to make, amend and cancel Ordinances;

(*xxxi*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act;

(*xxxii*) to delegate any of its powers to the Vice-Chancellor, the Registrar or such other officer of the University or a Committee appointed by it as it may deem fit.

(*2*) The Syndicate shall make a report to the Senate about all acceptances or transfers of property referred to in clause (*viii*) of sub-section (*1*).

(*3*) The Syndicate shall not transfer any immovable property without the previous sanction of the Senate.

(C) *The Faculties.*

The Faculties.

24. (*1*) The University shall institute the Faculties of Arts, Science, Technology including Engineering, Commerce, Agriculture and such other Faculties as may be constituted by the Senate by Statutes from time to time. Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

(*2*) Each Faculty shall consist of—

(*a*) members of the Boards of Studies for the subjects comprised in the Faculty ;

(*b*) such Fellows as are assigned to that Faculty by the Senate.

(*3*) The powers and duties of the Faculties and the conditions governing the terms of offices of their members shall be as prescribed by the Statutes.

Deans of Faculti

25. There shall be a Dean of each Faculty who shall be appointed by the Syndicate in accordance with the Statutes. The term and conditions of the office of a Dean shall be as prescribed by the Ordinances.

(D) *Boards of Studies.*

Boards of Studies.

26. (*1*) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

(*2*) The constitution, powers and duties of the Boards of Studies shall be as prescribed by the Statutes.

(E) *The Board of Post-Graduate Studies and Research.*

Board of Post-Graduate Studies and Research.

27. (*1*) There shall be a Board of Post-Graduate Studies and Research to deal with all matters relating to post-graduate instruction and research in the various subjects taught in the University.

(*2*) The constitution, powers and duties of the Board shall be as prescribed by the Statutes.

(F) *Other University bodies.*

Other University bodies.

28. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be the authorities of the University shall be as prescribed by the Ordinances.

(G) *Committees.*

Committee of Selection for appointment of teachers of University.

29. (*1*) No person shall be appointed as a professor or reader of the University except on the recommendation of a Committee of Selection constituted for the purpose.

(*2*) The members of the Committee shall be—

(*i*) the Vice-Chancellor—*ex-officio* Chairman ;

(*ii*) the Dean of the Faculty in the subject ;

(*iii*) the Head of the Department concerned ;

(*iv*) four persons having special knowledge of the subject for which the professor or reader is to be appointed to be selected by the Syndicate :

Provided that two of them shall be persons who are not Fellows or members of any Faculty or teachers of the University.

(*3*) The Committee shall investigate the merits of the various candidates and such other persons, if any, as the Committee may recommend as duly qualified for the vacant post but who have not applied for it and shall report to the Syndicate the names, arranged in order of merit, of persons, if any, whom it considers to be suitable for the vacant post.

(*4*) The Syndicate shall make the final selection out of the persons, if any, so recommended :

Provided that where the Syndicate makes the appointment otherwise than in accordance with the order of merit arranged by the Committee, the Syndicate shall record its reasons for doing so :

Provided further that if the Committee reports to the Syndicate the name of one person only and if the person so reported is not acceptable to the Syndicate, the Syndicate shall record its reasons for not accepting the name and communicate them to the Committee and may advertise the vacancy again and direct the Committee to report to the Syndicate in the manner provided in sub-section (*3*).

(*5*) Nothing in sub-sections (*1*) to (*4*) shall apply to a temporary appointment of a person—

(*i*) as a professor or reader for a period not exceeding one year, or

(*ii*) as a professor or reader where his services are obtained on loan for a period not exceeding two years :

Provided that no such temporary appointment shall be renewed or continued for any further period without fulfilling the requirements of this section.

Recognition of teachers of University in post-graduate subjects.

30. No person shall be recognized as a teacher in post-graduate subjects of the University except on the recommendation of the Board of Post-graduate Studies and Research.

Appointment of examiners.

31. (*1*) A Committee for each Faculty shall be formed every year for the purpose of drawing up lists for appointments to University examinerships.

(*2*) The members of the Committee shall be—

(*i*) the Vice-Chancellor—*ex-officio* Chairman,
(*ii*) the Dean of the Faculty,
(*iii*) two members appointed by the Syndicate,
(*iv*) the Chairman of the Board of Studies in the particular subject.

(*3*) The Committee shall draw up the lists from among persons included in panels to be prepared by the Boards of Studies. The lists so drawn up shall be submitted for approval to the Syndicate. The Syndicate shall make the appointments of examiners :

Provided that no change in the lists shall be suggested or made by the Syndicate except by passing a special resolution stating the specific grounds on which each change suggested or made is based.

(*4*) If any examiner is unable to act for any cause and a fresh appointment cannot be made in time by the Syndicate, the Vice-Chancellor shall appoint another examiner to fill the vacancy and shall report such appointment to the Syndicate.

(*5*) No member of the Syndicate or of the Committee shall be appointed as an examiner except by a special resolution of the Syndicate passed by two-thirds majority of the members present.

32. All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee : Committees.

Provided that the Faculties, Boards of Studies and other Boards or Bodies shall not appoint persons who are not members of the authority appointing the committee to such committees except with the previous sanction of the Vice-Chancellor.

CHAPTER V.

Enrolment and Degrees.

33. No student shall be enrolled as a student of the University unless he has passed— Enrolment of students.

(*i*) the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board in such subjects and with such standards of attainment as may be prescribed by the Statutes ; or

(*ii*) the Entrance Examination, if any, which may be instituted by the University with the consent of the State Government, and held in such subjects and in such manner as may be prescribed by the Statutes ; or

(*iii*) any other examination prescribed as equivalent to the examinations referred to in clauses (*i*) and (*ii*) and possesses such other qualification, if any, as may be prescribed by the Statutes.

34. Save on the recommendation of the Syndicate by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for entrance, unless he produces a certificate from an affiliated college or a recognized institution, as the case may be, to the effect that he has completed the course of instruction prescribed : Certificate required of candidate for examination.

Provided that the Senate may make Statutes exempting students or a class of students from producing such a certificate.

35. The Senate may institute and confer such degrees and grant such diplomas and other academic distinctions in respect of degrees and examinations as may be prescribed by the Statutes. Degrees, diplomas and other academic distinctions.

36. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination. Honorary degrees.

Removal from membership of University and withdrawal of degree or diploma.

37. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree or other academic distinctions if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if he has been guilty of disgraceful conduct.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER VI.

FINANCE.

University Fund.

38. (*1*) The University shall establish a fund to be called the University Fund.

(*2*) The following shall form part of, or be paid into, the University Fund :—

(*a*) any contribution or grant by Government,

(*b*) the income of the University from all sources including income from fees and charges,

(*c*) trusts, bequests, donations, endowments and other grants, if any.

(*3*) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a co-operative bank approved by the State Government for the purpose or invested in securities authorized by the Indian Trusts Act, 1882, at the discretion of the Syndicate. II of 1934. II of 1882.

(*4*) Nothing in this action shall in any way affect any obligations accepted by or imposed upon the University by any declarations of trust executed by or on behalf of the University for the administration of any trust.

Annual accounts and financial estimates.

39. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the State Government for audit.

(*2*) The accounts when audited shall be published by the Syndicate and a copy thereof shall, together with a copy of the audit report, be submitted to the Senate.

(*3*) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and may be passed with such modifications as the Senate may deem fit.

Annual report.

40. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate shall adopt the report with modifications, if any, which it may direct the Syndicate to make therein in accordance with the resolutions passed by the Senate in that behalf.

CHAPTER VII.

STATUTES AND ORDINANCES.

Statutes.

41. Subject to the provisions of this Act, the Senate may, from time to time make Statutes for all or any of the following matters, namely :—

(*a*) the declaration of any person to be a "teacher" under clause (*20*) of section 2 ;

(*b*) the declaration of other bodies to be the authorities of the University as provided in clause (*6*) of section 14 ;

(*c*) the manner of election of Fellows and the members of the Syndicate, and the terms and conditions of their office, registration of graduates and maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate and the Syndicate ;

(*d*) the powers of the Vice-Chancellor ;

(*e*) the conditions of service of the Registrar and the officers and servants of the University ;

(*f*) the constitution, reconstitution or abolition of Faculties and the powers and duties of Faculties ;

(*g*) the procedure at a meeting of the Senate, the Syndicate, the Boards of Studies, and the Board of Post-graduate Studies and Research and the quorum of members to be required for the transaction of business ;

(*h*) the constitution, powers, duties and functions of Boards of Studies and the allocations of Boards among the Faculties ;

(*i*) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(*j*) the institution and conferment of degrees and the granting of diplomas, and other academic distinctions in respect of degrees and examinations ;

(*k*) recognition as registered graduates of persons who are graduates of any other University ;

(*l*) the institution of pension or provident fund or both for the benefit of the officers, teachers and other servants of the University ;

(*m*) qualifications of professors, readers, lecturers and other teachers in affiliated colleges and recognized institutions ;

(*n*) all matters which, by this Act, are to be or may be prescribed by the Statutes ;

(*o*) any other matter which is necessary to give effect to the provisions of this Act.

Statutes, their framing, amendment, repeal and operation.

42. (*1*) The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate. In the case of a draft which is not prepared by the Syndicate, the Senate, before considering the same, shall obtain the opinion of the Syndicate :

Provided that if the Syndicate fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.

(*3*) The Senate, if it thinks necessary, may also obtain the opinion of any other authority of the University in regard to any draft Statute which is before it for consideration.

(*4*) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(*5*) No Statute passed by the Senate shall be valid or shall come into force until assented to by the Chancellor.

Ordinances, their making and scope.

43. (*1*) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

(*a*) the admission of students to the University ;

(*b*) the courses of study to be laid down for all degrees, diplomas and certificates of the University ;

(*c*) the conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions and to the examinations of the University and be eligible for degrees, diplomas and other academic distinctions and the form of the certificate to be produced by a candidate for examination under section 34 and the conditions on which any such certificate may be granted ;

(*d*) the recognition and inspection of hostels ;

(*e*) the conduct and discipline of students and conditions of their residence ;

(*f*) the number, qualifications and conditions of appointment of teachers of the University ;

(*g*) the fees to be charged, for courses of instruction in, or on behalf of, the University given by teachers of the University, for tutorial and supplementary instruction given by or on behalf of the University, upon admission into the University and for continuance therein, for admission to the examination, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature ;

(*h*) the conditions of appointment and the duties of examiners ;

(*i*) the conduct of examinations ;

(*j*) the conduct of business of each Faculty ;

(*k*) the duties and powers of the Boards and Committees to be appointed by the University jointly with any other University or body ;

(*l*) the powers and duties of the Registrar and other officers and servants of the University ;

(*m*) the discipline to be enforced in regard to the graduates and undergraduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;

(*n*) the extension of University teaching in any suitable centre within the University area by means of University extension lectures or otherwise ;

(*o*) the rules to be observed and enforced by affiliated colleges and recognized institutions in respect of transfer of students ;

(*p*) the fees (if any) to be paid for entry or retention of a name on any register ;

(*q*) the inspection of affiliated colleges and recognized institutions and the reports, returns and other information to be furnished by such colleges and recognized institutions ;

(*r*) the registers of students to be kept by affiliated colleges and recognized institutions ;

(*s*) the duties of teachers of the University ;

(*t*) the mode of execution of contracts or agreements by or on behalf of the University ; and

(*u*) generally, all matters which by this Act or by the Statutes may be provided for by the Ordinances and all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Syndicate by this Act or the Statutes.

(*2*) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct; but every Ordinance so made shall be laid on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration but not to amend any such Ordinance.

(*3*) The Vice-Chancellor shall, on the application of not less than forty members of the Senate, suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*2*).

CHAPTER VIII.

AFFILIATION AND RECOGNITION.

44. (*1*) A college applying for affiliation to the University shall send an application in writing to the Registrar and shall satisfy the Syndicate— Affiliation.

(*a*) that the college is to be under the management of a regularly constituted governing body;

(*b*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;

(*c*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence, in the college hostel or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students;

(*d*) that due provision has been made or will be made for a library;

(*e*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(*f*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students;

(*g*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(*h*) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which may result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant;

(*b*) make such further inquiry as may appear to it to be necessary; and

(*c*) report to the Senate its opinion on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (*a*) and (*b*).

(*3*) On receipt of the report under clause (*c*) of sub-section (*2*), the Senate shall, after such further inquiry as may appear to it to be necessary, record its opinion.

(*4*) The Registrar shall submit the application and all proceedings, if any, of the Syndicate and the Senate relating thereto to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(*5*) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*6*) As soon as possible after the State Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (*2*) to (*5*) and of all proceedings connected therewith.

(*7*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*4*).

Extension of affiliation.

45. Where a college desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 44 shall, so far as may be, be followed.

Recognition of institutions of research and specialized studies.

46. (*1*) The Syndicate shall have the power to recognize as a recognized institution any institution of research or specialized studies other than a college.

(*2*) An institution applying for recognition under this section shall send an application in writing to the Registrar and shall give full information in the application in respect of the following matters, namely:—

(*a*) constitution and personnel of the managing body;

(*b*) subjects and courses in regard to which recognition is sought;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration, the Syndicate may call for any further information which it may deem necessary.

(*4*) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall grant or refuse the application or any part thereof. Where the application

or any part thereof is granted, the Syndicate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect for information to the Senate at their next succeeding meeting. Where the application or any part thereof is refused, the grounds of such refusal shall be stated.

Inspection of colleges and institutions and reports.

47. (*1*) Every affiliated college and every recognized institution shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge the efficiency of the college or institution.

(*2*) The Syndicate shall cause such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any such college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 44 or sub-section (*2*) of section 46, as the case may be.

Withdrawal of affiliation.

48. (*1*) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified, if the college has failed to carry out any of the provisions of sub-section (*1*) of section 44 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or modification of such rights shall be moved in the Syndicate. A member of the Syndicate who intends to move that the rights conferred on any college by affiliation be withdrawn in whole or in part or modified, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on expiration of the period referred to in sub-section (*3*), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*), the Senate shall, after such further inquiry (if any) as may appear to it to be necessary, shall record its opinion on the matter :

Provided that no resolution of the Senate recommending the withdrawal of the affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of not less than one-half of the members of the Senate.

(*6*) The Registrar shall submit the proposal and all proceedings, if any, of the Syndicate and the Senate relating thereto, to the State Government, which, after such further inquiry as may appear to it to be necessary, shall make such order as it thinks fit.

(*7*) Where by an order made under sub-section (*6*), the rights conferred by affiliation are withdrawn in whole or in part or modified, the ground for such withdrawal or modification shall be stated in the order.

Withdrawal or suspension of recognition of institution.

49. (*1*) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(*2*) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate:

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary shall decide whether the recognition should be withdrawn or suspended, as the case may be:

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Syndicate to that effect is supported by not less than one-half of the members of the Syndicate.

CHAPTER IX.

ORGANIZATION WITHIN THE UNIVERSITY AREA AND CONTROL OVER INSTITUTIONS OUTSIDE THE UNIVERSITY AREA.

Constituent colleges and institutions.

50. (*1*) All university colleges and the colleges specified in Schedule II and all colleges within the University Area which may hereafter be affiliated to the University shall be the constituent colleges of the University.

(*2*) All institutions within the University Area recognized under section 46 shall be the constituent recognized institutions of the University.

(*3*) All colleges and institutions outside the University Area admitted to the privileges of the University under sub-section (*4*) of section 5 shall respectively be the affiliated colleges and recognized institutions.

(*4*) The relations of the constituent colleges and constituent recognized institutions and the affiliated colleges and recognized institutions with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of such colleges and institutions :—

(*i*) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service,

(*ii*) to approve the appointment of the teachers made by such colleges and institutions,

(*iii*) to require each such college and institution to contribute a prescribed quota of recognized teachers in any subject for teaching on behalf of the University,

(*iv*) to co-ordinate and regulate the facilities provided by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research,

(*v*) to levy contributions for providing certain facilities from such colleges and institutions and make grants to them, and

(*vi*) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time.

Teaching within the University Area.

51. Within the University Area, instruction, teaching and training beyond the stage of the Entrance Examination shall be conducted either by the constituent and affiliated colleges or recognized institutions in such subjects as may be prescribed by the Ordinances.

Hindi as medium of instruction and examination.

52. The medium of instruction, teaching, training and examinations conducted within the University area and in other educational institutions admitted to the privileges of the University under sub-section (*4*) of section 5 shall be Hindi in Devnagari script.

CHAPTER X.

General.

Election to be by the system of proportional representation.

53. Every election to any authority of the University made under this Act shall be made by the system of proportional representation by means of the single transferable vote by ballot in such manner as may be prescribed by Statutes :

Provided that no vote shall be recorded by post or by proxy.

Resignation by member.

54. Save as provided in sub-section (*1*) of section 17, any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

Casual vacancies.

55. When any vacancy occurs in the office of a Fellow or member of any authority of the University before the expiry of the term of office of such Fellow or member, the vacancy shall be filled up as soon as conveniently may be by the election, nomination or appointment, as the case may be, of a Fellow or member who shall hold office so long only as the Fellow or member in whose place he has been elected, nominated or appointed would have held it, if the vacancy had not occurred :

Provided that, notwithstanding anything contained in section 15, if the vacancy be of a Fellow and occurs within six months preceding the date on which the term of office of the Fellow expires, the vacancy shall not be filled if the Fellow be an elected Fellow.

Conditions of service.

56. Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

Pension, insurance and provident fund.

57. The University shall make adequate provisions for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Proceedings not invalidated by vacancy.

58. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to constitution of University authority or body.

59. If any question arises regarding the interpretation of any provision of this Act or of any Statute, Ordinance, or rule, or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if ten Fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question and his decision shall be final.

Protection of acts and orders.

60. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances, and rules framed thereunder.

CHAPTER XI.

Transitory Provisions.

Completion of courses of students in colleges affiliated to the Gujarat University.

61. Notwithstanding anything contained in this Act, or the Statutes, and Ordinances made thereunder, any student of a college situate within the University area and affiliated to the Gujarat University who immediately before the date on which section 5 came into force was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Gujarat University,

Appointment of the first Vice-Chancellor.

62. Notwithstanding anything contained in section 10, the person holding the office of the Chairman of the Charutar Vidya Mandal on the date of the coming into force of this section shall be entitled to be the first Vice-Chancellor. He shall be appointed as the first Vice-Chancellor by the State Government for such period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment of first Registrar.

63. Notwithstanding anything contained in section 12, the first Registrar shall be appointed by the State Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the State Government thinks fit.

Transitory powers of the first Vice-Chancellor.

64. (*1*) It shall be the duty of the first Vice-Chancellor—

(*a*) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 46, and

(*b*) to make arrangements for constituting the Senate, the Syndicate and other authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(*2*) The first Vice-Chancellor shall with the assistance of the Advisory Committee consisting of not more than ten members nominated by the State Government—

(*a*) subject to the provisions of this Act and the approval of the Chancellor,

(*i*) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(*ii*) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities,

(*b*) frame the first Statutes and Ordinances under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(*3*) The authorities constituted under sub-section (*1*) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(*4*) The Statutes and Ordinances framed by the first Vice-Chancellor shall when confirmed by the respective authorities be published in the *Official Gazette*.

First appointment of the officers and teachers of the University.

65. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Education and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such condition as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefor.

Extra-ordinary powers of the first Vice-Chancellor.

66. The Vice-Chancellor appointed under section 62 shall have powers until the Syndicate commences to exercise its functions—

(*a*) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by State Government of difficulties at the commencement of the Act.

67. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

SCHEDULE I.

[*See* section 2 (*23*).]

The University Area shall comprise the area within the limits of Vallabh Vidyanagar in the Anand Taluka of the Kaira District and the area within a radius of five miles from the office of the University situated at Vallabh Vidyanagar.

SCHEDULE II.

(*See* section 50.)

(1) The Vithalbhai Patel Mahavidyalaya.

(2) The Birla Vishvakarma Mahavidyalaya.

(3) The Bhikhabhai Jivabhai Vanijya Mahavidyalaya.

(4) The Bansilal Amritlal College of Agriculture.

THE BOMBAY APPROPRIATION (SECOND EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 26,57,68,939 out of the Consolidated Fund of the State of Bombay for the year 1951-52.
3. Appropriation.

BOMBAY ACT No. XLI OF 1955.[1]

[THE BOMBAY APPROPRIATION (SECOND EXCESS EXPENDITURE) ACT, 1955.]

[*31st October 1955*].

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation (Second Excess Expenditure) Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 26,57,68,939 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 26,57,68,939 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1952. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Stamps ...	9, Stamps ...	51,050	.....	51,050
2	Forest ...	10, Forest ...	.....	338	338
3	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	15,623	.....	15,623
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	.....	45,69,440	45,69,440

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 425.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	General Administration.	25, General Administration.	10,90,146	.....	10,90,146
6	Administration of Justice.	27, Administration of Justice.	3,66,472	.....	3,66,472
7	Jails and Convict Settlements.	28, Jails and Convict Settlements.	24,69,816	.....	24,69,816
8	Police ...	29, Police ...	10,92,158	.....	10,92,158
9	Public Health ...	39, Public Health ...	81,622	.....	81,622
10	Civil Works ...	50, Civil Works ...	.....	14,154	14,154
11	Famine ...	54, Famine ...	.....	10,69,586	10,69,586
		54-B, Transfer to Famine Relief Fund.			
12	Political Pensions ...	54-A, Territorial and Political Pensions.	3,34,154	.....	3,34,154
13	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	11,18,769	.....	11,18,769
14	Stationery and Printing.	56, Stationery and Printing.	20,00,877	.....	20,00,877
15	Miscellaneous ...	57, Miscellaneous ...	27,35,263	200	27,35,463
16	Civil Defence ...	64-B, Civil Defence ...	1,232	.....	1,232
		Total, expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,13,57,182	56,53,718	1,70,10,900
17	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	...	1	1
18	Payments of Commuted Value of Pensions.	83, Payments of Commuted Value of Pensions.	2,02,922	...	2,02,922
19	Payments to Retrenched Personnel.	85, Payments to Retrenched Personnel.	20,211	...	20,211
20	State Schemes connected with the State Trading.	85-A, Capital Outlay on State Schemes of Government Trading.	24,84,61,587	...	24,84,61,587
		Total Capital Expenditure outside the Revenue Account.	24,86,84,720	1	24,86,84,721
21	Floating Debt ...	Floating Debt ...	...	73,305	73,305
22	Loans from the Central Government.	Loans from the Central Government.	...	13	13
		Total Disbursement under Debt-Heads.	...	73,318	73,318
		Grand Total ...	26,00,41,902	57,27,037	26,57,68,939

THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-3. [*Amendments made by sections 2 and 3 have been incorporated in the Maharaja Sayajirao University of Baroda Act, 1949.*]

4. Amendments not to take effect during period of office of existing members.

BOMBAY ACT No. XLII OF 1955.[1]

[THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA (AMENDMENT) ACT, 1955.]

[*3rd November 1955*]

An Act further to amend the Maharaja Sayajirao University of Baroda Act, 1949.

Baroda Act XVII of 1949.

WHEREAS it is expedient further to amend the Maharaja Sayajirao University of Baroda Act, 1949, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Maharaja Sayajirao University of Baroda (Amendment) Act, 1955.

2-3. [*Amendments made by sections 2 and 3 have been incorporated in the Maharaja Sayajirao University of Baroda Act, 1949.*]

Amendments not to take effect during period of office of existing members.

4. The amendments made by sections 2 and 3 of this Act shall not take effect during the period of the term of office of any member of any authority of the University subsisting at the commencement of this Act, and any casual vacancy in respect of such office occurring during the said period shall be filled up as if this Act was not passed.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 415.

THE BOMBAY LOCAL BOARDS AND VILLAGE PANCHAYATS (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2-8. [*Amendments made by sections 2 to 8 have been incorporated in the Bombay Local Boards Act, 1923.*]

9-10. [*Amendments made by sections 9 and 10 have been incorporated in the Bombay Village Panchayats Act, 1933.*]

11. Amendments made by sections 2 and 3 to apply to elections held on or after 31st December 1955.

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BOMBAY ACT No. XLIII OF 1955.[1]

[THE BOMBAY LOCAL BOARDS AND VILLAGE PANCHAYATS (AMENDMENT) ACT, 1955.]

[*3rd November 1955*]

An Act further to amend the Bombay Local Boards Act, 1923, and the Bombay Village Panchayats Act, 1933.

Bom. VI of 1923. Bom. VI of 1933.

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, and the Bombay Village Panchayats Act, 1933, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Local Boards and Village Panchayats (Amendment) Act, 1955.

(*2*) It shall come into force at once ; but sections 5, 6, 9 and 10 shall take effect only from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2-8. [*Amendments made by sections 2 to 8 have been incorporated in the Bombay Local Boards Act, 1923.*]

9-10. [*Amendments made by sections 9 and 10 have been incorporated in the Bombay Village Panchayats Act, 1933.*]

Amendments made by sections 2 and 3 to apply to elections held on or after 31st December 1955.

11. The amendments made in the Local Boards Act by sections 2 and 3 of this Act shall have effect for the purposes of elections of members for any constituency of the local board to be held under the said Act after the 31st December 1955 and for all subsequent elections.

For the purposes of any elections to be held between the period from the date of the coming into force of this Act and the 31st day of December 1955 (both inclusive) the list and the supplementary list of voters in force on the date of the coming into force of this Act shall continue to operate.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V pages 290-291.

THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 73 of Act XV of 1882.

BOMBAY ACT No. XLIV OF 1955.[1]

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1955.]

[*7th November 1955*].

An Act furthur to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882. WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1955. Short title.

XV of 1882. 2. (*1*) Section 73 of the Presidency Small Cause Courts Act, 1882, shall be renumbered as sub-section (*1*) of that section, and in sub-section (*1*) so renumbered after the words "have been respectively paid" the following proviso and sub-section shall be inserted, namely :— Amendment of section 73 of Act XV of 1882.

"Provided that no such fees shall be repaid if the amount of institution fee on the plaint or application does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit or proceeding was so settled.

(*2*) The State Government may, from time to time, by order, provide for repayment to the plaintiffs or applicants of any part of the fees paid on plaints or applications by them in suits or proceedings, as the case may be, disposed of under such circumstances and subject to such conditions as may be specified in the order."

(*2*) For the marginal note to the said section 73, the following shall be substituted, namely :—

"Repayment of fees under certain circumstances."

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 330-331.

THE DABHEL-SIMLAK MADRESSA (REPEALING) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2. Repeal of Baroda Act II of 1941 and Board of Trustees and Board of Management appointed under the Act to cease to be in office.

3. Madressa to be public trust and regulated under Bombay Public Trusts Act, 1950.

4. Transitory provision for vesting of property of Madressa and its administration.

5. Collector to make application for having entries made in register under section 17 of Bombay XXIX of 1950.

6. Collector to file suit under section 50 of XXIX of 1950.

BOMBAY ACT No. XLV OF 1955.[1]

[THE DABHEL-SIMLAK MADRESSA (REPEALING) ACT, 1955.]

[*23rd November 1955*]

An Act to repeal the Dabhel-Simlak Madressa Act (Baroda Act II of 1941) and to provide for the administration of the trust governed by the said Act.

WHEREAS the Dabhel-Simlak Madressa Act (Baroda Act II of 1941) was enacted by the former Baroda State to provide for the administration of the institution known as the Madressa Jamia-Islamia Dabhel-Simlak ;

Bom. IV of 1950. And whereas on the merger of the State of Baroda, the said Act has been continued in force under section 5 of the Bombay Merged States (Laws) Act, 1950, read with the Fifth Schedule thereof ;

Bom. XXIX of 1950. And whereas certain donors, trustees and beneficiaries of the said Madressa have applied for the repeal of the said Act and to provide for the administration thereof under the Bombay Public Trusts Act, 1950 ;

Bom. XXIX of 1950. And whereas it is expedient to repeal the said Dabhel-Simlak Madressa Act and to provide for the administration of the said Madressa under the provisions of the Bombay Public Trusts Act, 1950 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Dabhel-Simlak Madressa (Repealing) Act, 1955.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Repeal of Baroda Act II of 1941 and Board of Trustees and Board of Management appointed under the Act to cease to be in office.

2. (*1*) The Dabhel-Simlak Madressa Act (Baroda Act II of 1941) (hereinafter called "the repealed Act") is hereby repealed and the entry relating to that Act in the Fifth Schedule to the Bombay Merged States (Laws) Act, 1950, is hereby repealed.

Bom. IV of 1950.

(*2*) The Board of Trustees and the Board of Management constituted under the repealed Act shall be dissolved and the members of the said Boards shall cease to be in office.

Madressa to be public trust and regulated under Bombay Public Trusts Act, 1950.

3. From the date on which this Act comes into force, the Madressa Jamia-Islamia Dabhel-Simlak together with all its branches (hereinafter called the said Madressa) shall be deemed to be a public trust to which the Bombay Public Trusts Act, 1950 (hereinafter referred to as "the said Act"), applies subject to the provisions of this Act, and shall be deemed to have been registered under the said Act.

Bom. XXIX of 1950.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 282.

Transitory provision for vesting of property of Madressa and its administration.

4. Notwithstanding the repeal of the repealed Act and the application of the said Act to the Madressa, until the settlement of a scheme and the appointments of new trustees are made and the directions are given in a suit filed under section 50 of the said Act by the court competent to act under the said section—

(*a*) all properties, moveable and immovable, belonging to the said Madressa shall vest, for the time being, in the Collector of the Surat District (hereinafter referred to as the said Collector) as trustee of the said Madressa and the said Collector shall administer the said Madressa and its properties for the purpose of the said Madressa;

(*b*) the duties and powers of the said Collector shall be in accordance with sections 12 and 13 of the repealed Act so far as the said provisions are applicable and are not inconsistent with the provisions of the said Act;

(*c*) the servants of the Madressa and Mohtamin appointed and holding office immediately before the date of the repeal of the repealed Act shall continue to hold office on the same terms and conditions on which they were appointed, but subject to the control of the said Collector.

Collector to make application for having entries made in register under section 17 of Bom. XXIX of 1950.

5. As soon as after this Act comes into force, it shall be the duty of the said Collector to make an application to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the said Madressa is situated for having the necessary entries relating to the said Madressa made in the register kept under section 17 of the said Act. The provisions of sections 18, 19, 20, 21 and 22 of the said Act shall, so far as may be, apply to such application, the recording of findings and the making of entries in the register kept under the said section 17.

Collector to file suit under section 50 of Bom. XXIX of 1950.

6. It shall also be the duty of the said Collector to file, as soon as after this Act comes into force, a suit under section 50 of the said Act, in a court competent under the said section 50,—

(*a*) for the appointment of a new trustee of the said Madressa;

(*b*) for the settlement of a scheme for the administration of the said Madressa; and

(*c*) for such other reliefs as may be necessary in the interests of the said Madressa.

THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of Shilotri rights.
4. Commuted value of Shilotri maund to be paid to Shilotridar as compensation.
5. Appeal against the decision of the Mamlatdar.
6. Finality of decision of Mamlatdar and Collector.
7. Inquiries or proceedings to be judicial proceedings.
8. Rules.

BOMBAY ACT No. XLVII OF 1955.[1]

[THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955.]

[*2nd December 1955*]

An Act to abolish the Shilotri Rights prevailing in the district of Kolaba in the State of Bombay.

WHEREAS it is expedient to abolish the right to levy shilotri maund enjoyed by shilotridars in the district of Kolaba in the State of Bombay and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows, namely :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Shilotri Rights (Kolaba) Abolition Act, 1955.

(*2*) It extends to the district of Kolaba in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) " appointed date " means the date on which this Act comes into force ;

Bom. V of 1879.

(*2*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*3*) " Mamlatdar " includes a Mahalkari ;

(*4*) " prescribed " means prescribed by rules made under this Act ;

(*5*) " shilotridar " means the holder of a shilotri right ;

(*6*) " shilotri maund " means a fixed quantity of rice or paddy commonly known as " Shilotri man " in the district of Kolaba leviable by a shilotridar as an incident of shilotri right from every bigha or acre of land embanked or reclaimed from the sea commonly known as ' shilotri land ' or ' khar ' in the district of Kolaba ;

(*7*) " shilotri right " means a customary right to levy shilotri maund ;

(*8*) the other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Abolition of shilotri rights.

3. (*1*) Notwithstanding any custom or usage or anything contained in any grant, sanad or decree or order of a court or any other instrument, with effect from and on the appointed date—

(*a*) all shilotri rights with all their incidents shall be deemed to have been abolished, and

(*b*) the right of a shilotridar to levy or collect a shilotri maund shall be deemed to have been extinguished.

(*2*) Nothing in sub-section (*1*) shall in any way affect the liability of any person to pay to the shilotridar the shilotri maund in respect of any land for the year ending on the 31st day of July 1955 or for any previous year.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 24.

Commuted value of shilotri maund to be paid to shilotridar as compensation.

4. (*1*) Every person, who immediately before the appointed date, held any land subject to the shilotri right of a shilotridar, shall be liable to pay to the shilotridar by way of compensation the commuted value of the shilotri maund.

(*2*) The amount of such commuted value shall be equal to three times the average of the value of the shilotri maund collected by or due to the shilotridar during the three years immediately preceding the appointed date. Such amount shall be determined and paid in the manner provided in sub-sections (*4*) and (*5*).

(*3*) The shilotridar shall make an application in the prescribed form to the Mamlatdar within six months from the appointed date for determining the commuted value of the shilotri maund.

(*4*) On receipt of such application, the Mamlatdar shall issue notice in the prescribed manner to the person liable to pay such commuted value and to the shilotridar and after holding a formal inquiry under Chapter XII of the Code shall determine the amount of the commuted value of the shilotri maund and record his decision accordingly.

(*5*) If the amount of commuted value determined under sub-section (*4*) is not paid to the shilotridar within the prescribed period, it shall be recoverable as an arrear of land revenue. The amount so recovered shall be paid to the shilotridar.

Appeal against the decision of the Mamlatdar.

5. (*1*) If any person is aggrieved by the decision of the Mamlatdar under sub-section (*4*) of section 4, such person, may appeal to the Collector within a period of sixty days from the date of such decision.

(*2*) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Code shall apply to the appeals to the Collector under this Act, as if the Collector were the immediate superior of the Mamlatdar.

Finality of decision of Mamlatdar and Collector.

6. The decision of the Mamlatdar under sub-section (*4*) of section 4 subject to an appeal to the Collector and the decision of the Collector on the appeal shall be final and shall not be questioned in any suit or proceeding in any court.

Inquiries or proceedings to be judicial proceedings.

7. All inquiries and proceedings before the Mamlatdar and the Collector under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Rules.

8. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules when finally made shall be published in the *Official Gazette*.

THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 2 of Act IV of 1936.
3. Amendment of section 15 of Act IV of 1936.
4. Amendment of section 17 of Act IV of 1936.
5. Amendment of section 21 of Act IV of 1936.

BOMBAY ACT No. XLVIII OF 1955.[1]

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1955.]

[*5th December 1955*]

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient further to amend the Payment of Wages Act, 1936, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Wages (Bombay Amendment) Act, 1955.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Act IV of 1936.

IV of 1936. **2.** In section 2 of the Payment of Wages Act, 1936, in its application to the State of Bombay (hereinafter referred to as the said Act),—

(*a*) after clause (*ii*) the following new clause shall be inserted, namely :—

"(*iia*) 'legal representative' means the person who in law represents the estate of a deceased employed person;";

(*b*) for clause (*iii*) the following shall be substituted, namely :—

"(*iii*) 'plantation' means—

(*a*) any estate which is maintained for the purpose of growing cinchona rubber, coffee or tea, or

(*b*) any farm which is maintained for the purpose of growing sugarcane and attached to a factory established or maintained for the manufacture of sugar :

Provided that on such estate or farm twenty-five or more persons are engaged for the purpose ;".

Amendment of section 15 of Act IV of 1936.

3. In section 15 of the said Act,—

(*a*) in sub-section (*1*) for the words and figures beginning with the words "appoint any" and ending with the words "to be the authority" the words "appoint one or more persons to be the authority or authorities" shall be substituted;

(*b*) after sub-section (*1*), the following new sub-sections shall be inserted, namely :—

"(*1A*) A person shall not be qualified for appointment as an authority under this Act unless, he is a Commissioner for Workmen's Compensation or any other officer with experience as a Judge of a Civil Court or of a Labour Court constituted under the Bombay Industrial Relations Act, 1946, or as a stipendiary Judicial Magistrate.

Bom. XI of 1947.

(*1B*) Where more than one person are appointed for any specified area as authorities under sub-section (*1*), the State Government may by general or special order make such arrangements as it thinks fit for the distribution of the work among the authorities so appointed." ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 244-245.

(*c*) in sub-section (*2*),—

(*i*) after the words "to act on his behalf" the words and figures "or a representative union registered as such under the Bombay Industrial Relations Act, 1946," shall be inserted; Bom. XI of 1947.

(*ii*) after the word, brackets and figure "sub-section (*3*)" the following shall be inserted, namely:—

"and in case of death of the employed person, it shall be lawful for his legal representative to make an application for such direction";

(*d*) in sub-section (*3*),—

(*i*) for the words "refund to the employed person" the words "refund to the employed person or his legal representative, as the case may be," shall be substituted;

(*ii*) after the words "twenty-five rupees in the latter" the following shall be inserted, namely:—

"and the authority may direct the payment of such compensation in cases, where the amount deducted or the delayed wages are paid by the employer to the employed person or his legal representative before the disposal of the application";

(*iii*) in the proviso, after the words "employed person", at both the places where they occur, the words "or his legal representative" shall be inserted;

(*e*) after sub-section (*5*), the following shall be added, namely:—

"(*6*) Where a question arises as to whether any person is or is not a legal representative of the deceased employed person, such question shall be determined by the authority and the decision of the authority shall be final."

Amendment of section 17 of Act IV of 1936.

4. In section 17 of the said Act, in sub-section (*1*), in clause (*b*),—

(*i*) after the words "an employed person" the following shall be inserted, namely:—

"or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf or a representative union registered as such under the Bombay Industrial Relations Act, 1946, or any Inspector under this Act or any other person authorised by an authority to make an application under sub-section (*2*) of section 15 and in the case of death of the employed person, his legal representative, as the case may be,"; Bom. XI of 1947.

(*ii*) for the words "him" and "he" the words "the employed person" shall be substituted.

Amendment of section 21 of Act IV of 1936.

5. In section 21 of the said Act, in sub-section (*2*), after the words "employed person", at both the places where they occur, the words "or his legal representative" shall be inserted.

THE BOMBAY INDUSTRIAL RELATIONS (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2–5. [*Amendments made by sections 2 to 5 have been incorporated in the Bombay Industrial Relations Act, 1946*].

6. Amendments made by sections 3 and 4 to come into force from the date on which principal Act came into force.

BOMBAY ACT No. XLIX OF 1955[1].

[THE BOMBAY INDUSTRIAL RELATIONS (AMENDMENT) ACT, 1955.]

[*5th December 1955*]

An Act further to amend the Bombay Industrial Relations Act, 1946.

Bom. XI of 1947. WHEREAS it is expedient further to amend the Bombay Industrial Relations Act, 1946, for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

1. This Act may be called the Bombay Industrial Relations (Amendment) Act, 1955. Short title.

2–5. [*Amendments made by sections 2 to 5 have been incorporated in the Bombay Industrial Relations Act, 1946*].

6. Notwithstanding anything contained in any judgment, decree or order of a Court, the amendments made by sections 3 and 4 of this Act shall be deemed to have come into force with effect from the date on which the Bombay Industrial Relations Act, 1946, came into force : Amendments made by sections 3 and 4 to come into force from the date on which principal Act came into force.

Bom. XI of 1947.

Provided that nothing in this section shall render any person liable to conviction of an offence in respect of any act committed by him before the date of the coming into force of this Act, if such act was not an offence under the said Act at the aforesaid date, but for the provisions of this section.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 259-260.

THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-6. [*Amendments made by sections 2 to 6 have been incorporated in the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.*]

7. Modification of the provisions of the Act in application to Borpada Deshmukh Watan.

8. Amendments made by sections 4 and 5 to have retrospective effect.

BOMBAY ACT No. L OF 1955.[1]

[THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) (AMENDMENT) ACT, 1955.]

[*9th December 1955*]

An Act further to amend the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.

Bom. LX of 1950.

WHEREAS it is expedient further to amend the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950, for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) (Amendment) Act, 1955.

2-6. [*Amendments made by sections 2 to 6 have been incorporated in the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.*]

Modification of the provisions of the Act in application to Borpada Deshmukh watan.

7. In the application of the said Act to the Deshmukh watan of the Borpada Village in the Navapur taluka of the West Khandesh District,—

(*1*) for clause (*a*) of sub-section (*1*) of section 2, the following shall be substituted, namely :—

Bom. L of 1955.

"(*a*) 'appointed day' means the day on which the Bombay Paragana and Kulkarni Watans (Abolition) (Amendment) Act, 1955, comes into force;";

(*2*) in sub-section (*1*) of section 4,—

(*a*) for the words "five years from the date of the coming into force of this Act" the words "two years from the appointed day" shall be substituted, and

(*b*) for the words "the period of five years" the words "the period of two years" shall be substituted;

(*3*) in sub-section (*2*) of section 9,—

(*i*) for the words, figures and letters "on or before the 30th day of April 1954" the words "within twelve months from the appointed day" shall be substituted;

(*ii*) the words beginning with the words "Provided that" and ending with the words "comes into force" shall be deleted;

(*4*) in clause (*a*) of sub-section (*3*) of section 14, for the words "coming into force of this Act" the words "appointed day" shall be substituted.

Amendments made by sections 4 and 5 to have retrospective effect.

8. The amendments made by sections 4 and 5 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955. Part V, pages 276-277.

THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Admission of time-barred claims for compensation for sufficient cause.

3. [*Amendments made by section 3 have been incorporated in the relevant Bombay Acts.*]

FIRST SCHEDULE.

SECOND SCHEDULE.

BOMBAY ACT No. LI OF 1955.[1]

[THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1955.]

[*19th December 1955*]

An Act to amend certain Bombay Land Tenures Abolition Acts.

WHEREAS it is expedient to amend certain Acts providing for the abolition of land tenures in the State of Bombay for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Land Tenures Abolition (Amendment) Act, 1955. Short title.

2. (*1*) Notwithstanding the expiry of the period fixed for making an application for compensation under the provisions specified in column 2 of the First Schedule hereto annexed of the Acts specified in column 1 thereof, the Collector may admit an application for compensation made by any person entitled thereto under any of the said Acts (hereinafter called the relevant Act) or aggrieved by the provisions of the relevant Act as abolishing, extinguishing or modifying any of his rights in property, if— Admission of time-barred claims for compensation for sufficient cause.

(*a*) such application is made not later than the thirty-first day of December 1955 and is in all other respects in accordance with the provisions of the relevant Act, and

(*b*) the Collector is satisfied that the failure on the part of such person to make an application for compensation within the period fixed under the provisions of the relevant Act was due to reasons beyond the control of such person or any other sufficient cause.

(*2*) On the admission of the application under sub-section (*1*) all the provisions of the relevant Act shall apply to such application as if it were made within the period fixed under the relevant provision of such Act.

3. [*Amendments made by section 3 have been incorporated in the relevant Bombay Acts*].

First Schedule.

(*See* section 2.)

Acts.	Provisions.
1	2
1. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).	Sub-section (*1*) of section 10 and sub-section (*2*) of section 17.
2. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).	Sub-section (*2*) of section 6 and sub-section (*1*) of section 7.
3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).	Sub-section (*1*) of section 8 and sub-section (*1*) of section 16.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 330-331.

First Schedule—contd.

Acts.	Provisions.
1	2
4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).	Sub-section (*2*) of section 8.
5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).	Sub-section (*2*) of section 6 and sub-section (*1*) of section 8.
6. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bom. LXX of 1953).	Sub-section (*2*) of section 7.
7. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).	Sub-section (*2*) of section 14.

Second Schedule.

(*See* section 3.)

[*Amendments made by Second Schedule have been incorporated in the relevant Bombay Acts*].

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of long title of Act XX of 1946.
3. Amendment of preamble of Act XX of 1946.
4. Amendment of section 1 of Act XX of 1946.
5. Amendment of section 2 of Act XX of 1946.
6. Insertion of new section 2A in Act XX of 1946.
7. Amendment of section 3 of Act XX of 1946.
8. Deletion of section 4 of Act XX of 1946.
9. Amendment of section 5 of Act XX of 1946.
10. Amendment of section 6 of Act XX of 1946.
11. Amendment of section 7 of Act XX of 1946.
12. Amendment of section 8 of Act XX of 1946.
13. Amendment of section 9 of Act XX of 1946.
14. Amendment of section 10 of Act XX of 1946.
15. Amendment of section 12 of Act XX of 1946.
16. Amendment of section 13 of Act XX of 1946.
17. Amendment of section 15 of Act XX of 1946.
18. Amendment of schedule to Act XX of 1946.

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BOMBAY ACT No. LIII OF 1955.[1]

[THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT) ACT, 1955.]

[*21st December 1955*]

An Act to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay.

XX of 1946. WHEREAS it is expedient to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1955.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Amendment of long title of Act XX of 1946.

XX of 1946. **2.** In the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as "the said Act") for the long title the following shall be substituted, namely :—

"An Act to provide for rules defining with sufficient precision in certain matters the conditions of employment in industrial establishments in the State of Bombay."

Amendment of preamble of Act XX of 1946.

3. In the preamble of the said Act, for the portion beginning with the words "to require" and ending with the words "by them", the words "to provide for rules defining with sufficient precision in certain matters the conditions of employment in industrial establishments in the State of Bombay and for certain other matters" shall be substituted.

Amendment of section 1 of Act XX of 1946.

4. In sub-section (*3*) of section 1 of the said Act, for the words "one hundred" the word "fifty" shall be substituted.

Amendment of section 2 of Act XX of 1946.

5. In section 2 of the said Act,—

(*a*) before clause (*a*), the following new clause shall be inserted, namely :—

"(*1a*) 'amendments' means, in relation to the model standing orders, any amendments proposed to such orders under section 3 and includes any alterations, variations or additions proposed thereto ;";

(*b*) in clause (*d*), after sub-clause (*iii*) the following new sub-clause shall be inserted, namely :—

"(*iv*) in relation to any workman working on the establishment of a person who for the purpose of fulfilling a contract with the owner of the industrial establishment employs workmen, such owner engaging the services of the contractor ;";

(*c*) in clause (*e*), sub-clause (*iv*) shall be deleted ;

(*d*) after clause (*e*) the following shall be inserted, namely :—

"(*ee*) 'model standing orders' means standing orders prescribed under section 15 ;

(*ef*) 'modification' includes, in relation to a standing order, any alteration, variation, addition or deletion in or to such order ;";

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 2732-27.

(*e*) for clause (*i*) the following shall be substituted, namely :—

"(*i*) 'workman' means any person employed to any skilled or unskilled, manual or clerical labour for hire or reward on any work of, or incidental or preliminary to or connected with the work of any industrial establishment whether such work is done by the workman in the establishment or elsewhere but does not include any member of the armed forces of the Union or police force."

Insertion of new section 2A in Act XX of 1946.

6. After section 2 of the said Act, the following section shall be inserted, namely :—

Application of model standing orders to every industrial establishment.

"2A. Where this Act applies to an industrial establishment, the model standing orders for every matter set out in the Schedule applicable to such establishment shall apply to such establishment from such date as the State Government may by notification in the *Official Gazette* appoint in this behalf:

Provided that nothing in this section shall be deemed to affect any standing orders which are finally certified under this Act and have come into operation under this Act in respect of any industrial establishment before the date of the coming into force of the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1955." Bom. LIII of 1955.

Amendment of section 3 of Act XX of 1946.

7. In section 3 of the said Act,—

(*a*) for sub-section (*1*), the following shall be substituted, namely :—

"(*1*) Within six months from the date on which the model standing orders apply to any industrial establishment under section 2A, the employer or any workman employed therein may submit to the Certifying Officer five copies of the draft amendments for adoption in such industrial establishment :

Provided that no amendment which provides for the deletion or omission of any rule in the model standing orders relating to any matter set out in the Schedule shall be submitted under this section." ;

(*b*) sub-section (*2*) shall be deleted ;

(*c*) in sub-section (*3*), for the words "draft standing orders" the words "draft amendments" shall be substituted ;

(*d*) in sub-section (*4*), for the words "draft of standing orders" the words "draft of amendments" shall be substituted ;

(*e*) for the marginal note, the marginal note "Submission of amendments" shall be substituted.

Deletion of section 4 of Act XX of 1946.

8. Section 4 of the said Act shall be deleted.

9. In section 5 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "as may be prescribed" the words "or the employer, as the case may be," and after the word "workmen", where it occurs for the third time, the words "or employer" shall be inserted; Amendment of section 5 of Act XX of 1946.

(*ii*) for the words "draft standing orders" the words "draft amendments" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) after the words "giving the employer" the words ", workmen submitting the amendments" shall be inserted;

(*ii*) the words "or addition to" shall be deleted;

(*iii*) for the words "the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act" the words, brackets and figures "the draft submitted under sub-section (*1*) of section 3 is necessary," shall be substituted;

(*c*) in sub-section (*3*),—

(*i*) for the words "certify the draft standing orders" the words "certify the draft amendments" shall be substituted;

(*ii*) for the words "certified standing orders" the words "model standing orders together with copies of the certified amendments thereof" shall be substituted;

(*d*) in the marginal note, for the words "standing orders" the word "amendments" shall be substituted.

10. In section 6 of the said Act,—

(*a*) in sub-section (*1*), for the portion beginning with the words "confirm the standing orders" and ending with the words "certifiable under this Act" the words "confirm the amendments either in the form certified by the Certifying Officer or after further modifying the same as the appellate authority thinks necessary" shall be substituted; Amendment of section 6 of Act XX of 1946.

(*b*) in sub-section (*2*),—

(*i*) for the words "unless it has confirmed without amendment the standing orders" the words "unless it has confirmed without further modifications the amendments" shall be substituted;

(*ii*) for the words "by copies of the standing orders" the words "by copies of the model standing orders together with the amendments" shall be substituted.

11. In section 7 of the said Act and in the marginal note thereto after the words "standing orders" the words "or amendments" shall be inserted. Amendment of section 7 of Act XX of 1946.

12. In section 8 of the said Act,— Amendment of section 8 of Act XX of 1946.

(*a*) after the words "all standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(*b*) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment of section 9 of Act XX of 1946

13. In section 9 of the said Act,—

(*a*) after the words "standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(*b*) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment of section 10 of Act XX of 1946.

14. In section 10 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "standing orders", at both the places where they occur, the words "or the amendments" shall be inserted;

(*ii*) after the words "came into operation" the following shall be added, namely:—

"and where model standing orders have not been amended as aforesaid, the model standing orders shall not be liable to such modification until the expiry of one year from the date on which they were applied under section 2A";

(*b*) for sub-section (*2*), the following shall be substituted, namely:—

"(*2*) An employer, workman or any prescribed representatives of workmen desiring to modify the standing orders or the model standing orders together with the amendments, as finally certified under this Act, or the model standing orders applied under section 2A, as the case may be, shall apply to the Certifying Officer in that behalf submitting five copies of the standing orders, or the model standing orders, together with all amendments thereto as certified under this Act or model standing orders in which shall be indicated the modifications proposed and where such modifications are in agreement with the workmen, a certified copy of the agreement shall accompany the application.";

(*c*) in sub-section (*3*), for the words "standing orders" the word "amendments" shall be substituted.

Amendment of section 12 of Act XX of 1946.

15. In section 12 of the said Act,—

(*a*) for the words "standing orders as finally certified under this Act" the words "standing orders or the model standing orders, or model standing orders with all the amendments as finally certified under this Act, as the case may be," shall be substituted;

(*b*) in the marginal note, for the words "standing orders" the words "standing orders, etc.," shall be substituted.

Amendment of section 13 of Act XX of 1946.

16. In section 13 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words and figure "who fails to submit draft standing orders as required by section 3, or who modifies his standing orders" the words "who modifies the standing orders, model standing orders or amendments" shall be substituted;

(*ii*) for the word and figures "section 10" the words "the provisions of this Act" shall be substituted;

(*iii*) for the words "shall be punishable" the words "shall, on conviction be punished" shall be substituted;

(*b*) in sub-section (*2*), for the words "the standing orders finally certified under this Act for his industrial establishment shall be punishable" the words "the standing orders, model standing orders or the amendments, as finally certified under this Act for his industrial establishment, as the case may be, shall, on conviction, be punished" shall be substituted;

(*c*) after sub-section (*2*) the following new sub-sections shall be inserted, namely:—

"(*2A*) Whoever contravenes the provisions of this Act or of any rule made thereunder in cases other than those falling under sub-section (*1*) or sub-section (*2*), shall, on conviction, be punished with fine which may extend to one hundred rupees and in the event of such person being previously convicted of an offence under this Act, with fine which may extend to two hundred rupees and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(*2B*) The Court convicting an employer under sub-section (*1*) or sub-section (*2*) may direct such employer to pay such compensation as it may determine to any workman directly and adversely affected by the modification or contravention of the standing orders, model standing orders or amendments, as the case may be.

(*2C*) The compensation awarded under sub-section (*2B*) may be recovered as if it were a fine and if it cannot be so recovered, the person by whom it is payable shall be sentenced to imprisonment of either description for a term not exceeding three months as the Court thinks fit."

Amendment of section of Act X of 1946.

17. In section 15 of the said Act, in sub-section (*2*),—

(*a*) in clause (*a*), after the words "standing orders" the words "or amendments" shall be inserted;

(*b*) in clause (*d*), for the words "copies of standing orders entered in the register of standing orders" the words and figure "copies of standing orders or model standing orders together with all the amendments filed in the register under section 8" shall be substituted.

Amendment of Schedule to Act XX of 1946.

18. In the Schedule appended to the said Act,—

(*a*) in the heading—

(*i*) for the word, figures, brackets and letter "sections 2 (*g*) and 3(*2*)" the word, figure and letter "section 2A" shall be substituted;

(*ii*) after the words "standing orders" the words ", model standing orders and amendments" shall be inserted;

(*b*) after item 10, the following new item shall be inserted, namely:—

"10A. Age for retirement or superannuation."

THE BOMBAY MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-12. [*Amendment made by sections 2 to 12 have been incorporated in the Bombay Municipal Corporation Act.*]

13. Certain amendments made by this Act to apply to election held after the 31st day of the December 1955.

BOMBAY ACT No. LIV OF 1955.[1]

[THE BOMBAY MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 1955.]

[*21st December 1955*]

An Act further to amend the Bombay Municipal Corporation Act.

Bom. III of 1888.

WHEREAS it is expedient further to amend the Bombay Municipal Corporation Act, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Bombay Municipal Corporation (Second Amendment) Act, 1955.

2-12. [*Amendments made by sections 2 to 12 have been incorporated in the Bombay Municipal Corporation Act.*]

Certain amendments made by this Act to apply to election held after the 31st day of December 1955.

13. The amendments made in the said Act by sections 2 to 4 (both inclusive), section 5 except section 28H inserted thereby, clause (2) of section 6 and sections 7 and 8 of this Act shall apply to the general elections to be held after the 31st day of December 1955, and to all subsequent elections.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 134-135.

THE BOMBAY HIGHWAYS ACT, 1955.

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SCHEDULE.

BOMBAY ACT No. LV OF 1955.[1]

[THE BOMBAY HIGHWAYS ACT, 1955.]

[*22nd December 1955*]

An Act to provide for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction maintenance and development of highways, for the levy of betterment charges and for certain other matters.

WHEREAS it is expedient to provide for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Highways Act, 1955.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) This section shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such date as may be specified in the notification :

Provided that the State Government may, by notification issued in like manner, exclude any road or way or class of roads or ways situate in such area from the operation of all or any of the provisions of this Act.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " animal " means any domestic or captive animal ;

(*b*) " building " includes any erection of whatsoever material and in whatsoever manner constructed (including a farm building for agricultural purposes) and also includes plinths, doorsteps, walls (including compound walls and fences) and the like ;

(*c*) " building line " means a line on either side of any highway or part of a highway fixed in respect of such highway or part by a notification under sub-section (*1*) of section 7 ;

11 of 1924 (*d*) " cantonment " means a cantonment established under the Cantonments Act, 1924 ;

(*e*) " control line " means a line on either side of a highway or part of a highway beyond the building line fixed in respect of such highway or part by a notification under sub-section (*1*) of section 7 ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, page 330.

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(*f*) " encroachment " means any unauthorised occupation of any highway or part thereof, and includes an unauthorised—

(*i*) erection of a building or any other structure, balconies, porches, projections, on or over or overhanging the highway ;

(*ii*) occupation of a highway beyond the prescribed period, if any, for stacking building materials or goods of any other description, for exhibiting articles for sale, for erecting poles, awnings, tents, pandals, hoardings and other similar erections or for parking vehicles or stabling animals or for any other purpose, and

(*iii*) excavations or dumps of any sort made or extended on any highway or underneath such highway ;

(*g*) " to erect " with its grammatical variations in relation to a building means to construct, reconstruct, extend or alter structurally a building ;

(*h*) " excavation " in relation to any piece of land does not include any workings which do not pierce the surface of that piece of land ; but includes wells and tanks ;

(*i*) " highway " means any road or way over which the public have a right of way or are granted access and which is declared to be a highway under section 3. The expression includes,—

(*i*) any land acquired or demarcated with a view to construct a highway along it ;

(*ii*) the slopes, berms, borrow-pits, foot-paths, pavements and side, catch and boundary drains attached to such road or way ;

(*iii*) all bridges, culverts, causeways, carriageways and other structures, built on or across such road or way ; and

(*iv*) the trees, fences, posts, boundary, furlong and mile stones, and other highway accessories and materials and material stacked on the road or way ;

(*j*) " Highway Authority " means the authority appointed as such or to which the functions of such authority are entrusted under section 4 ;

(*k*) " highway boundaries " means the boundaries of a highway fixed in respect of such highway by a notification under sub-section (*1*) of section 7 ;

(*l*) " means of access " includes any means of access, whether private or public, for vehicles or for foot passengers and includes any street ;

(*m*) " middle of highway " means the point half-way between the highway boundaries ;

(*n*) " occupier " includes,—

(*a*) any person who for the time being is paying or is liable to pay to the owner rent or any portion of the rent of the premises in respect of which such rent is paid or is payable ;

(*b*) an owner living in or otherwise using his premises ;

(*c*) a rent-free tenant ;

(*d*) a licensee in occupation of any premises ; and

(*e*) any person who is liable to pay to the owner damages for the use and occupation of any premises ;

(*o*) " owner " means,—

(*a*) when used with reference to any premises, the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes,—

(*i*) an agent or trustee who receives such rent on account of the owner;

(*ii*) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes;

(*iii*) a receiver, sequestrator or manager appointed by any court of competent jurisdiction; and

(*iv*) a mortgagee-in-possession;

(*b*) when used with reference to an institution or a body corporate, the manager of such institution or body corporate;

(*p*) " prescribed " means prescribed by rules made under this Act;

IX of 1890. (*q*) " railway administration " has the same meaning as in the Indian Railways Act, 1890;

(*r*) " vehicle " includes a barrow, sledge, plough, drag and a wheeled conveyance of any description capable of being used on a highway;

(*s*) the expressions " land ", " persons interested " and " persons entitled to act " used in this Act shall have the same meaning as the said expressions have in the Land Acquisition Act, 1894.

I of 1894.

CHAPTER II.

Declaration of Highways, Highway Authorities and their powers and functions.

3. The State Government may, by notification in the *Official Gazette*, declare any road, way or land to be a highway and classify it as— Declaration of roads, ways or lands as highways.

(*i*) a State highway (Special),

(*ii*) a State highway,

(*iii*) a major district road,

(*iv*) other district road, or

(*v*) a village road.

4. The State Government may, by notification in the *Official Gazette*, appoint for the purpose of this Act or any of its provisions any person or any authority to be a Highway Authority for all the highways in the State or, in parts of the State, or for any particular highway or highways in the State, specified in the notification. Appointment of Highway Authorities.

Powers and duties of Highway Authorities.

5. Subject to such conditions as may be specified in the notification appointing a Highway Authority and subject to the general or special orders of the State Government, a Highway Authority shall exercise powers and discharge duties in accordance with the provisions of this Act for the restriction of ribbon development along highways, for the prevention and removal of encroachments and for all matters necessary and incidental to any or all of the above subjects. Also subject to the approval of the State Government and to such general or special orders which the State Government may make in this behalf, it shall be lawful to a Highway Authority to undertake the construction, maintenance, development or improvement of highways.

Officers and servants of Highway Authority.

6. For the purpose of enabling a Highway Authority to exercise the powers conferred and to discharge the duties imposed upon it by or under the provisions of this Act, the State Government may appoint such officers and servants as it deems necessary to work under such Authority.

CHAPTER III.

Restriction of Ribbon Development.

Power to fix boundary, building and control lines of highways.

7. (*1*) In any area in which the provisions of this Act have been brought into force, and,

(*i*) where any road, way or land has been declared to be a highway under section 3, or

(*ii*) where the construction or development of a highway is undertaken,

the State Government may, by notification in the *Official Gazette*, fix, as respects such highway, the highway boundary, the building line and the control line:

Provided that having regard to the situation or the requirements of a highway or the condition of the local area through which a highway passes, it shall be lawful for the State Government—

(1) to fix different building or control lines, or

(2) not to fix building or control lines,

in respect of any highway or portions thereof.

(*2*) Not less than sixty days before issuing a notification under sub-section (*1*) the State Government shall cause to be published in the *Official Gazette* and in the prescribed manner in the village and at the headquarters of the taluka or mahal of the district in which the highway is situate a notification stating that it proposes to issue a notification in terms of sub-section (*1*), and specifying therein all the lands situated between the highway boundary and the control line proposed to be fixed under such notification and in the case of new works, also lands benefiting by the construction or development of the highway, as the case may be, together with a notice requiring all persons affected by such notification, who wish to make any objections or suggestions with respect to the issue of such a notification, to submit their objections or suggestions in writing to the Highway Authority or appear before such authority, within two months of the publication of the notification in the *Official Gazette* or within one month from the date of the publication of the notification in the village, whichever period expires later.

(*3*) The Highway Authority shall, after all such objections or suggestions have been considered or heard, as the case may be, and after such further inquiry, if any, as it thinks necessary, forward to the State Government a copy of the record of its proceedings held by it together with a report setting forth its recommendations on the objections or suggestions.

(*4*) If, before the expiration of the time allowed by sub-section (*2*) for the filing or hearing of objections or suggestions, no objection or suggestion has been made, the State Government shall proceed at once to issue the notification under sub-section (*1*). If any such objection or suggestion has been made, the State Government shall consider the record and the report referred to in sub-section (*3*) and may either—

(*a*) abandon the proposal to issue the notification under sub-section (*1*), or

(*b*) issue the notification under sub-section (*1*) with such modifications, if any, as it thinks fit.

(*5*) In considering the objections or suggestions, the decision of the State Government on the question of issuing the notification under sub-section (*1*) shall be final and conclusive.

Map to be prepared and maintained.

8. Within two months from the date of publication of the notification under sub-section (*1*) of section 7 fixing the highway boundary, building line and control line with respect to any highway, the Highway Authority shall cause a map to be made of the area through which such highway passes and shall cause to be marked thereon the highway boundaries and building and control lines and any other particulars necessary for the purposes of this Act and within one month from the date of making any alteration or addition thereto cause the said map to be corrected and such map with the date indicated thereon of the last time when the same shall have been so corrected shall be kept in the office of the Highway Authority. Such map, which shall bear the seal of the Highway Authority, shall be open to inspection. Copies of such map shall also be kept for inspection at such other places as may be prescribed.

Restrictions on buildings between highway boundary and building line and between building and control lines.

9. (*1*) Notwithstanding anything contained in any law, custom, agreement or instrument for the time being in force, on or after the appointed day the following restrictions shall, subject to the provisions of this Act, be in force, that is to say, —

no person shall, without the previous permission in writing of the Highway Authority,—

(*a*) upon any land lying between the highway boundary and the building line proposed to be fixed under sub-section (*2*), or fixed under sub-section (*1*), of section 7, as the case may be,

(*i*) construct, form or lay out any means of access to, or from, a highway, or

(*ii*) erect any building, or

(*iii*) materially alter any existing building, or

(*iv*) make or extend any excavation, or

(*v*) construct, form or lay out any works ; or

(*b*) upon any land lying between the building line and the control line proposed to be fixed under sub-section (*2*), or fixed under sub-section (*1*), of section 7, as the case may be,

(*i*) construct, form or lay out any means of access to, or from, a highway, or

(*ii*) erect any building, or

(*iii*) materially alter any existing building ;

(*c*) use any building or alter the use of any building already erected in a manner which in the opinion of the Highway Authority will, in any manner whatsoever, infringe any of the provisions of this Act or interfere with the use of a highway adjoining the land on which such building is erected.

(*2*) Every person desiring to obtain such permission under sub-section (*1*) shall make an application in writing to the Highway Authority in such form and containing such information as may be prescribed in respect of the building, alteration, excavation, works or means of access, as the case may be, to which the application relates.

(*3*) On receipt of such application, the Highway Authority, after making such enquiries as it may consider necessary, shall, by order in writing, either—

(*a*) grant the permission, subject to such conditions, if any, as may be specified in the order, or

(*b*) refuse to grant such permission :

Provided that—

(i) permission under clause (*a*) of sub-section (*1*) to the making of any excavation or construction, formation or laying out of works in land for the purpose of repairing, renewing, enlarging or maintaining any underground sewer, drain, electric line, pipe, duct or other apparatus shall not be withheld nor be made subject to any conditions save such as may be necessary for securing that the sewer, drain, electric line, pipe, duct or other apparatus shall be laid in such manner and at such levels that the construction, maintenance, development or improvement of a road thereover will not be prevented or prejudicially affected thereby ;

(ii) permission under clause (*b*) of sub-section (*1*) to the erection or alteration of a building or laying out any means of access to a highway which conforms to the requirements of public health, and welfare and of safety and convenience of traffic on the adjoining road shall neither be withheld nor made subject to unreasonable conditions :

Provided that in the case of means of access required for agricultural purposes such permission shall neither be withheld nor be made subject to any conditions save such as may be necessary for securing that the means of access shall be used for agricultural purposes only ;

(iii) permission under clause (*b*) of sub-section (*1*) to the re-erection or alteration of a building which was in existence before the appointed day shall neither be withheld nor made subject to restrictions unless such re-erection or alteration involves any material alteration to the outside appearance of the building.

(*4*) When the Highway Authority refuses permission, the reasons therefor shall be recorded and communicated to the applicant :

Provided that nothing herein contained shall debar a person from making a fresh application after omitting therefrom the objectionable features communicated to him as aforesaid on account of which such permission was refused.

(*5*) If at the expiration of a period of three months after an application for such permission specifying the name and address of the applicant has been made to the Highway Authority, or such further period not exceeding three months as may have been notified by the Highway Authority has elapsed and no decision has been notified in writing, posted or delivered to the applicant at that address, then (except as may otherwise be agreed in writing between the Highway Authority and the applicant) permission shall be deemed to have been given without the imposition by the Highway Authority of any conditions.

(6) The Highway Authority shall maintain a register with sufficient particulars of all permissions given or refused by it under this section and the register shall be available for inspection free of charge by all persons interested and such persons shall be entitled to take extracts therefrom.

Explanation.—For the purpose of this section, the "appointed day" shall, with reference to any highway boundary, building line or control line, mean—

(1) the day on which a notification is published in the *Official Gazette* under sub-section (2) of section 7 proposing to fix such highway boundary, building line or control line, and

(2) if any modification is made in such highway boundary, building line or control line, the day on which the notification is published under sub-section (1) of section 7 fixing such highway boundary, building line or control line.

Appeal.

10. (1) If any applicant is aggrieved by any decision of the Highway Authority under section 9, withholding permission, or imposing any condition, he may appeal to the State Government within 30 days from the date on which such decision was communicated to him.

(2) The State Government may, after giving an opportunity to the applicant to be heard, make such order as it thinks fit upon the appeal and the decision of the State Government shall be final.

Exemptions for works in progress, etc.

11. (1) No restrictions in force under section 9 shall apply to the erection or making of a building or excavation or to the construction, formation or laying out, of any means of access or works begun before the appointed day referred to in section 9.

(2) No restrictions in force under section 9, except restrictions as to the construction, formation or laying out, of means of access, shall apply to any land forming part of a burial or cremation ground or other place for the disposal of the dead being land which has, before the passing of this Act, been used for such purpose.

(3) No restrictions in force under section 9 shall apply to any excavation or works necessary in connection with any drains, ditches, or other drainage works for agricultural purposes or to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct, or other apparatus, constructed in or upon the land before the date on which the restrictions came into force or with the consent of the Highway Authority on or after that date.

Setting back of buildings to building line or control line.

12. Whenever any building or any part thereof erected before the appointed day referred to in section 9 lies between the building line and the middle of the highway the Highway Authority may, whenever any such building or part has either entirely or in greater part been taken down, burnt down or fallen down, by notice require such building or part when re-erected to be set back to the building line or control line.

Regulation or diversion of right of access to highway.

13. (1) The Highway Authority may, if it is considered essential in the interests of safety or convenience of traffic, regulate or divert any existing right of access to a highway across land lying between the control line and the highway boundary:

Provided that the existing right of access shall not be diverted until alternative access has been given.

(2) Where the existing right of access is diverted, the point at which alternative access is given to the highway shall not be unreasonably distant from the existing point of access.

(*3*) The Highway Authority shall, by notification in the *Official Gazette*, publish the date on which the existing right of access has been diverted and alternative access has been given.

Powers of Highways Authority and officers and servants appointed under section 6 in respect of surveys.

14. For the purpose of carrying out any of the provisions of this Act, the Highway Authority and the officers and servants appointed under section 6 may—

(*a*) enter upon, survey and take measurements and levels of any land;

(*b*) mark such levels, dig or bore into the subsoil of any land;

(*c*) demarcate the boundaries of the highway by planting stones or other suitable marks in different colours of a durable nature at intervals all along the highway in such a manner that the imaginary line joining such stones or marks shows the road boundary correctly;

(*d*) where there are bends or kinks on the road boundary, locate the stones or marks in different colours so as to give the correct configuration of the boundary if they are joined by straight lines;

(*e*) give consecutive numbers to such boundary stones or marks and maintain them on the ground as if they constituted part of the highway;

(*f*) lay out the building and control lines by placing marks in different colours and cutting trenches;

(*g*) if the survey cannot otherwise be made, or measurements or levels taken or boundaries marked and lines laid out, cut down and clear away any standing crop, tree, fence or jungle or any part thereof;

(*h*) do all other acts necessary in that behalf:

Provided that the Highway Authority shall not, except with the consent of the occupier thereof, enter or permit any of the officers or servants to enter any premises without previously giving such occupier at least forty-eight hours' notice in writing of its intention to do so.

Acquisition of land or right or interest in land.

15. If at any time on the application of the Highway Authority, the State Government is satisfied that any land required for the purposes of a highway or any right or interest of any person in any land required for the said purposes should be compulsorily acquired or extinguished, as the case may be, it shall be lawful for the State Government to publish a notification to that effect in the *Official Gazette*. Such notification shall also be published in such other manner as may be prescribed. A notification so published shall be deemed to be a declaration that the land is needed, or as the case may be, the right or interest is required to be extinguished for the purpose of the highway; and such declaration shall be conclusive that the land is so needed, or the right or interest is so required to be extinguished.

Land required to be marked and measured.

16. The Highway Authority or any officer or servant authorised by the Highway Authority shall thereupon cause the land to be marked out. It shall also cause it to be measured and if no plan is made thereof, a plan to be made of the same.

Public notice and other notices of such requirement for acquisition.

17. (*1*) The Highway Authority shall then cause a public notice to be given at convenient places on or near such land stating that the State Government intends to take possession of the land, or as the case may be, to extinguish any right or interest in the land and that claims to compensation for all interest in such land, or any right or interest in land to be extinguished may be made to such officer as the Highway Authority may designate.

(2) Such notice shall state the particulars of the land so needed or right or interest in land to be extinguished and shall require all persons interested in the land or in the right or interest to be extinguished to appear personally or by agent before such officer as may be designated, at the time therein mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective right or interest in the land, or as the case may be, in the right or interest to be extinguished and the amount and the particulars of their claims to compensation for such right or interest or both and their objections, if any, to the measurements made under section 16. The Highway Authority may, in any case, require such statement to be made in writing and signed by the party or his agent.

(3) The Highway Authority shall also serve notice to the same effect on the occupier of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the district in which the land is situate.

(4) In case any person so interested resides elsewhere, a notice shall be served in the manner provided in section 70.

Persons required to make statements regarding other persons having interest.

18. (1) The Highway Authority or the officer authorised by it may also require any such person to make or deliver to it or him at a time not being earlier than fifteen days after the date of the requisition a statement containing, as far as may be practicable, the name of every other person possessing any interest in the land or in any part thereof, or as the case may be, in any right or interest in land to be extinguished as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof in respect of the three years next preceding the date of such statement.

(2) Every person required to make or deliver a statement under this section or under section 17 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

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Taking possession of land.

19. At any time after the publication of a notification under section 15, the State Government may direct that the land specified in the notification shall be taken possession of, or as the case may be, the right or interest specified therein shall be extinguished from such date as may be specified in the direction. From such date the said land shall vest absolutely in the State Government free from all encumbrances, or as the case may be, such right or interest therein shall be extinguished.

CHAPTER IV

Prevention of unauthorized occupation of, and encroachment on, a highway and removal of encroachment.

Lands forming part of highway deemed to be Government property.

20. All lands forming part of a highway which do not already vest in the State Government shall, for the purpose of this Chapter, be deemed to be the property of the State Government.

Prevention of unauthorized occupation of highway.

21. (*1*) No person shall occupy or encroach on any highway within the highway boundaries without obtaining the previous permission in writing of the Highway Authority or an officer authorized in this behalf by the Highway Authority.

(*2*) The Highway Authority or an officer authorized by the Highway Authority in this behalf may, with due regard to the safety and convenience of traffic and subject to such conditions as may be imposed and such rules as may be prescribed by the State Government, and on payment of such rent or other charges as may be prescribed under such rules, permit any person,—

(i) to place a temporary encroachment on any highway in front of any building owned by him or make a temporary structure overhanging the highway, or

(ii) to put up a temporary awning or tent, pandal or other similar erection or a temporary stall or scaffolding on any highway, or

(iii) to deposit or cause to be deposited building materials, goods for sale or other articles on any highway, or

(iv) to make a temporary excavation for carrying out any repairs or improvements to adjoining buildings:

Provided that no such permission shall be deemed to be valid beyond a period of one year unless expressly renewed by the Highway Authority or the authorized officer.

(*3*) The permission so granted shall clearly specify the date up to which the person is authorized to occupy the highway, the purposes for which occupation is authorized and the exact portion of the highway permitted to be occupied, and shall also be accompanied by a plan or sketch of that portion of the highway, if necessary.

(*4*) The person in whose favour such a permission has been given shall produce the permit for inspection whenever called upon to do so by the Highway Authority or any officer by a general or special order empowered in that behalf and shall at the end of the period specified in the permit release the land occupied by him after restoring it to the same state as before the occupation by him.

(*5*) The Highway Authority or the officer issuing the permission shall maintain a complete record of all such permissions issued, and shall also cause a check-up to be made in every case at the expiration of the period up to which occupation has been authorized to ensure that the land has actually been vacated.

Power to cancel permit.

22. (*1*) The Highway Authority may cancel any permission granted under section 21—

(*a*) if any rent or charge is not duly paid,

(*b*) if the purpose for which the permission was given has ceased to exist,

(*c*) in the event of any breach by the holder of such permission or of any terms or conditions of such permission,

(*d*) if the land on which such encroachment has been made is required for any public purpose or such encroachment is causing impediment or danger to traffic.

(*2*) Where the permission has been cancelled under clause (*b*) or (*d*) of sub-section (*1*), any rent or charge paid in advance shall be refunded to the holder of such permission less the amount, if any, due to the State Government.

Prevention of encroachment.

23. (*1*) When as a result of check of highway boundaries made or otherwise, it transpires that an encroachment has taken place on a highway the Highway Authority or the officer authorized under sub-section (*1*) of section 21 shall serve a notice on the person responsible for the encroachment or his representative requiring him to remove such encroachment and restore the land to its original condition before the encroachment within the period specified in the notice.

(*2*) The notice shall specify the land encroached upon and the time-limit within which such encroachment shall be removed and shall also state that failure to comply within the specified period shall render the person liable to prosecution and also to summary eviction.

(*3*) If the encroachment is not removed within the time-limit specified in the notice and no valid cause is shown for non-compliance, the Highway Authority or the authorized officer referred to in sub-section (*1*) may prosecute such person before the appropriate Magistrate for his having made or caused the encroachment and for his failure to remove it within the specified time.

(*4*) Where the encroachment is made for the purpose of exposing articles for sale, opening temporary booths for vending or other like purpose of a trivial nature the Highway Authority or the authorized officer referred to in sub-section (*1*) may, with the help of the police, if necessary, have such encroachment summarily removed without issuing a notice as required by sub-section (*1*), or in lieu of removal of the encroachment, may give the person responsible for the encroachment option of executing a lease in favour of the Highway Authority on payment of rent for the area encroached upon.

(*5*) When the encroachment is of a temporary nature and can easily be removed but is not such as can be described as trivial within the meaning of sub-section (*4*), the Highway Authority or the authorized officer referred to in sub-section (*1*) may in addition to or in lieu of prosecuting the person responsible for the encroachment under sub-section (*3*) have the encroachment summarily removed with the assistance of the police, if necessary.

(*6*) Where the encroachment is of such a nature that its immediate removal is considered essential in the interests of safety of traffic on the highway or the safety of any structure forming part of the highway, the Highway Authority or the authorized officer referred to in sub-section (*1*) may, in addition to prosecution of the person under sub-section (*3*), either—

(i) have such protective work, as may be feasible at a reasonable cost, carried out so as to minimise the danger to traffic on the highway, or

(ii) have the encroachment removed with the help of the police, if necessary.

Appeal against notice served under sub-section (*1*) of section 23.

24. Where the person on whom notice to remove an encroachment has been served under sub-section (*1*) of section 23 lays claim that the land in respect of which encroachment has been alleged is his property or that he has acquired a right over it by virtue of adverse possession or otherwise he shall within the time-limit prescribed in the notice for the removal of the encroachment, file an appeal before the Collector under intimation to the Highway Authority or the officer authorized under sub-section (*1*) of section 21, as the case may be. The Collector shall after due enquiry record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway Authority or such officer shall till then desist from taking further action in the matter.

Recovery of cost of removal of encroachment.

25. (*1*) Whenever the Highway Authority or the officer authorized under sub-section (*1*) of section 21 has under the provisions of section 23 removed any encroachment or carried out any protective work in respect of any encroachment, the expenditure involved shall be recovered from the person responsible for the encroachment in the manner hereinafter provided.

(*2*) A bill, representing the expenditure incurred shall be served by the Highway Authority or the authorized officer referred to in sub-section (*1*) on the person responsible for the encroachment or his representative with a direction to pay up the amount within a specified period to the authority mentioned in the bill.

(*3*) The bill shall be accompanied by a certificate from the Highway Authority or the authorized officer referred to in sub-section (*1*) to the effect that the amount of expenditure indicated in the bill represents the charges incurred and such a certificate shall be conclusive proof that the charges had actually been incurred.

(*4*) The materials, if any, recovered as a result of the removal of any encroachment shall be handed over to the person responsible for the encroachment on payment of the amount of the bill by him but in the event of his failure to pay up the amount within the specified period, the materials may be auctioned and after deducting the amount of the bill from the proceeds, the balance, if any, shall be made over to such person.

(*5*) If the proceeds of the auction sale do not cover the total amount billed for, the excess over the amount realised by the sale of materials, or if there are no materials to dispose of and the billed amount has not been paid by the person responsible for the encroachment within the specified period, the entire amount of the bill shall be recovered from such person as an arrear of land revenue.

Chapter V.

Compensation.

Doing minimum damage in certain cases and compensation.

26. In the exercise of the powers under the following provisions by the Highway Authority or any officer or servant appointed under section 6 or any other person authorised by or under this Act by the State Government, as little damage as can be shall be done and compensation in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely :—

(*a*) the imposition of restrictions under section 9 ;

(*b*) the setting back of any building or part thereof under section 12 ;

(*c*) the regulation or diversion of any right of access to a highway under section 13 ;

(*d*) the entry, survey, measurement and doing of any of the acts on any land under section 14 ;

(*e*) the acquisition of any land or the extinguishment of any right or interest in the land under section 15 ;

(*f*) the closure of any highway or part thereof under section 52.

Determination of amount of compensation by agreement.

27. The amount of compensation payable under section 26, the persons to whom it is to be paid and the apportionment of such amount among the persons interested therein shall be determined by agreement between the Highway Authority or any officer authorised by the State Government and the person or persons claiming interest therein.

Determination of amount of compensation in default of agreement.

28. (*1*) In default of any agreement under section 27, the Highway Authority or the officer authorised by the State Government shall, subject to the provisions of this Act, after holding an enquiry, make an award determining—

(*a*) the true area of the land, if any, acquired,

(*b*) the amount of compensation to be paid under section 26,

(*c*) the apportionment, if any, of such compensation among all persons known or believed to be entitled thereto.

(*2*) In determining the amount of compensation the matters specified in sections 23 and 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act shall be taken into consideration.

1 of 1894.

No compensation if similar restrictions in force under any other law or if compensation already received.

29. No compensation shall be awarded—

(*i*) if and in so far as the land is subject to substantially similar restrictions in force under some other law which was in force on the date on which the restrictions were imposed by this Act;

(*ii*) if compensation in respect of the same restrictions imposed under this Act or substantially similar restrictions in force under any other law has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

Compensation for refusal of permission to build not to exceed difference between its value when it was refused and when it would have been granted.

30. When permission to erect any building has been refused under section 9 or 10, the amount of compensation shall not exceed the difference between the value of the land as determined by section 23 or 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act and the value which it would have had if the permission had been granted. In determining such value any restrictions to which the land is subject under any other law for the time being in force in regard to the right of person claiming compensation to erect a building on the land or otherwise to use, hold or dispose of the same shall be taken into consideration.

1 of 1894.

Compensation for diversion of access not to exceed cost of alternative access.

31. Where the right of access to a highway has been destroyed as a result of the diversion or closure thereof and an alternative access has been given, the amount of compensation shall in no case exceed the cost of laying a new means of access from the property of the claimant to such alternative route.

Compensation for cutting of standing crops, trees, etc.

32. (*1*) At the time of an entry, survey or measurement or doing of any of the things under section 14, the officer making the entry, survey or measurement or doing any other thing shall pay or tender to any person entitled compensation for all necessary damage done as a result of such entry, survey, measurement or execution of the work, including the cutting of standing crops, trees, or removal of temporary structures, if any, on the land. If the sufficiency of the amount so paid or tendered is disputed, the officer concerned shall at once refer the dispute to the Highway Authority and the said Authority shall with the least practicable delay decide the dispute and pay to the person entitled the amount determined as compensation. The decision of the Highway Authority shall be final.

(*2*) If at the time of taking possession of the land under section 19 there are any standing crops, trees or temporary structures on the land, the Highway Authority

shall pay or tender to the person entitled the amount of compensation for such standing crops, trees or temporary structures. If the sufficiency of such amount is disputed, the value of such crops, trees and temporary structures shall be taken into consideration in determining the amount of compensation for the land under section 28.

No compensation for unauthorised erections.

33. If any person has unauthorisedly erected, re-erected, added or altered any building on any land which is acquired for the purpose of a highway, then any increase in the value of the land from such erection, re-erection, addition or alteration shall not be taken into account in estimating the value of the land.

No compensation for removal of encroachment.

34. No compensation shall be payable for the removal of any encroachment.

Reference against award of Highway Authority or authorized officer under section 28.

35. (*1*) Any person aggrieved by the award of the Highway Authority or the officer authorized under section 28 may, by a written application to the Highway Authority or such officer, require that the matter be referred, if the land in relation to which the award is made is situate,—

(*i*) in Greater Bombay, to the Principal Judge of the City Civil Court or such other Judge of the said Court as may be nominated by the State Government in consultation with the Principal Judge ; and

(*ii*) elsewhere, to the Civil Judge (Senior Division) of the district within the limits of whose jurisdiction such land is situate.

(*2*) Any such application shall be made within six weeks from the date of the award, and shall be in such form as may be prescribed.

(*3*) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the computation of the time fixed for reference under sub-section (*2*). IX of 1908.

(*4*) The Highway Authority or the Officer authorised shall make the reference in such manner as may be prescribed.

Procedure and powers of the authorities empowered to decide references under sections 35 and 44.

36. (*1*) References under sections 35 and 44 shall be deemed to be proceedings within the meaning of section 141 of the Code of Civil Procedure, 1908, and in the trial thereof the authorities empowered to decide such references may exercise all the powers of a civil court under that Code. V of 1908.

(*2*) The scope of the enquiry in a reference under section 35 or 44 shall be restricted to a consideration of the matters referred to the authorities mentioned in sub-section (*1*) in accordance with the provisions of this Act.

Commissioner of Police or District Superintendent of Police to enforce, surrender or remove any encroachment.

37. If the Highway Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, the Highway Authority or officer or servant concerned shall apply in Greater Bombay to the Commissioner of Police, and elsewhere, to the District Superintendent of Police or such Police officer as the State Government may empower in this behalf, and the Commissioner, the District Superintendent or the officer so empowered shall enforce the surrender, removal or execution, as the case may be.

38. The decisions of the authorities empowered to decide references under sections 35 and 44 shall be enforceable as a decree of a civil court. Decisions of authorities under sections 35 and 44 to be enforced as decrees of civil court.

39. (*1*) On the determination of compensation by agreement under section 27 or Payment of compensation awarded.

(*2*) on the making of an award under section 28, or

(*3*) if a reference is made under section 35 against such award, after the decision of the Authority under that section,

the Highway Authority shall make the payment of the compensation awarded to the person entitled thereto in accordance with the agreement, its award or the decision of the Authority empowered to decide references under section 35, as the case may be. The provisions of sections 31 to 34 (both inclusive) of the Land Acquisition Act, 1894, shall, *mutatis mutandis*, apply to such payment.

I of 1894.

40. All payments due to be made to any person by way of compensation by the Highway Authority under this Act shall, as far as possible, be made by adjustment in such person's account regarding betterment charges, if any, due from such person under Chapter VI. Payment by adjustment.

CHAPTER VI.

Levy of Betterment Charges.

41. Where any work which the Highway Authority is empowered to undertake by or under the provisions of this Act is undertaken the officer authorized by the State Government in this behalf shall give notice to the persons known or believed to be the owners of or interested in the lands benefited by such work requiring them to appear before him either personally or by an agent at a time and place therein mentioned (such time not being earlier than 30 days from the date of notice) to state their objections, if any, to the imposition and recovery of betterment charges on such lands: Notice to owners and persons interested.

Provided that no such notice shall be given unless the Collector with the previous sanction of the State Government has declared that the value of such lands is likely to increase or has increased by reason of the construction of such work.

42. On the date fixed under section 41 or on such other date to which the inquiry may be adjourned, the officer authorized under section 41 shall, after holding a formal inquiry and after hearing the objections, if any, stated by the persons as required by notice under section 41, make an order. The order shall specify,— Inquiry and order.

(*a*) the lands benefited by the construction of the work,

(*b*) the increase in the value of such lands by the proposed construction,

(*c*) the amount of the betterment charges leviable on each of the said lands,

(*d*) the date from which such betterment charges shall be leviable:

Provided that no betterment charges shall be leviable in respect of any land—

(*a*) which is unsuitable for development as a building site, or

(*b*) which is situate beyond a distance of one furlong from the middle of the highway on either side.

Increase in value and betterment charges.

43. The increase in value on account of the construction of such work shall be the amount by which the value of the land on the date of the completion of the proposed work is likely to exceed or has exceeded the value of the land on the date of the commencement of the said work and the betterment charges shall be one-half of such increase in value.

Explanation.—For the purposes of this section, the State Government shall, by notification in the *Official Gazette*, specify—

(*a*) the date of commencement of the construction of any work,

(*b*) the date of completion of such work.

Reference against order of authorized officer under section 42.

44. (*1*) Any person aggrieved by the order fixing the betterment charges may, by a written application to the officer authorized under section 41, require that the matter be referred, if the land in relation to which the order is made is situate,—

(*i*) in Greater Bombay, to the Principal Judge of the City Civil Court or such other Judge of the said Court as may be nominated by the State Government in consultation with the Principal Judge ; and

(*ii*) elsewhere, to the Civil Judge (Senior Division) of the district within the limits of whose jurisdiction the land is situate.

(*2*) Any such application shall be made within six weeks from the date on which the order of the officer referred to in sub-section (*1*) was communicated to such person and shall be in such form as may be prescribed.

(*3*) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the computation of the time fixed for reference under sub-section (*2*). IX of 1908.

(*4*) The Officer authorized under section 41 shall make the reference in such manner as may be prescribed.

Finality of order fixing betterment charges and of decision on reference.

45. The order fixing the betterment charges made under section 42, subject to a reference to the Authority under section 44 and the decision of the Authority on reference under section 44, shall be final.

Betterment charges to be first charge on land next to land revenue.

46. From the date specified in the order fixing the betterment charges as the date from which such charges shall be leviable, or from such date as may be otherwise specified by the Authority under section 44 as the date from which such charges shall be leviable, the betterment charges recoverable in respect of any land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge on the land in respect of which such betterment charges are leviable.

Payment of betterment charges.

47. The betterment charges shall be payable on the date fixed under the rules made by the State Government under section 71 :

Provided that the owner of the land on which such charges are imposod may execute an agreement in favour of the State Government agreeing to pay the amount of such charges by annual instalments together with interest at such rate and within such period as may be prescribed.

48. Notwithstanding anything contained in section 47, the State Government may allow the owner of the land on which the betterment charges may be payable to relinquish the whole or any part of the land or to deliver it in exchange in lieu of payment of the charges, in favour of the State Government on such conditions as may be prescribed : Relinquishment of or exchange of land in lieu of payment of betterment charges.

Provided that no such relinquishment or exchange shall be permitted unless the land is free from encumbrances.

CHAPTER VII.

Supplemental provisions to secure safety of traffic and prevention of damage to highways.

49. (*1*) Whenever the Highway Authority is of opinion that it is necessary for the prevention of danger arising from obstruction of the view of persons using any highway, especially at any bend or corner of the highway, it may, save as otherwise provided in section 11, serve a notice upon the owner or occupier of land alongside or at the bend or corner of such highway to alter within such time and in such manner as may be specified in the notice, the height or character of any existing wall (not being a wall forming part of a permanent structure), fence, hedge, tree, advertisement post, bill board or any other object thereon, so as to cause it to conform with any requirements specified in the notice. Prevention of obstruction of view of persons using any highway.

(*2*) If any person upon whom a notice has been served under sub-section (*1*) objects to comply with any requirement of such notice, he may, within one month of its receipt, send to the Highway Authority his objection in writing stating the grounds thereof.

(*3*) The Highway Authority shall, within one month of the receipt of the objection, consider the grounds advanced and shall, by order in writing, either withdraw the notice or amend or confirm it.

(*4*) If a person is aggrieved by an order issued by the Highway Authority under sub-section (*3*), he may prefer an appeal within 15 days from the date when such order was communicated to him, to the Collector whose decision in the matter shall be final.

(*5*) If any person fails to comply with the notice served on him under sub-section (*1*) as amended or confirmed, as the case may be, under sub-section (*3*), the Highway Authority may take action to alter the object causing obstruction of view at its own expense, and such expenditure shall be recovered from such person in accordance with the provisions of section 25, without prejudice to any other action which may be taken against him.

50. If at any time it appears to the Highway Authority that any highway in its charge or any portion thereof is or has been rendered unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, subject to such rules as may be prescribed in this behalf, either close the highway or the portion of it to all traffic or to any class of traffic, or regulate the number and speed or weight of vehicles using the highway. Highway Authority to regulate traffic when highway declared unsafe.

51. Where the Highway Authority is satisfied that any highway or a portion thereof, or any bridge, culvert or causeway built on or across any highway, is not designed to carry vehicles of which the laden weight exceeds such limit as may be fixed in this behalf, it may, subject to such rules as may be prescribed in that behalf, prohibit or restrict the plying of such vehicles on or over such highway or such part of the highway or such bridge, culvert or causeway. Prohibition of use of heavy vehicles on certain highways.

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Procedure to be followed when Highway Authority desires permanently to close any highway.

52. (*1*) Where in exercise of the powers conferred on it by section 50 the Highway Authority desires permanently to close down any highway or part thereof, it shall give notice of its intention so to do in the *Official Gazette*. The notification shall also be published in at least two newspapers, one of which shall be in the regional language of the place in which the highway is situated.

(*2*) The notice shall indicate the alternative route, if any, which is proposed to be provided or which may already be in existence, and shall also invite objections, if any, to the proposal to be submitted within such time as may be specified.

(*3*) The Highway Authority shall finalise its proposal to close down any highway or part of it after considering the objections, if any, received within the specified time and shall submit the final proposal to the State Government for approval together with such objections as may have been received against the proposal.

(*4*) The State Government may either approve the proposal, with or without modifications, or reject it.

(*5*) When the State Government has approved the proposal it shall publish its orders in the *Official Gazette*.

(*6*) When the orders of the State Government have been published in the *Official Gazette*, the Highway Authority shall arrange for further publicity to be given to the orders in at least two newspapers one of which shall be in the regional language of the place in which such highway is situate and the highway or part thereof shall then be closed.

(*7*) Whenever any highway or any part thereof has been so closed, reasonable compensation shall be paid to every person who was entitled, otherwise than as a mere member of the public, to use such highway or part thereof as a means of access to or from his property and has suffered damage for such closure.

Consent of Highway Authority required to do certain acts on highway.

53. (*1*) Notwithstanding anything contained in any other enactment for the time being in force but subject to the provisions of section 72 no person other than the Highway Authority or any person authorised by it shall construct or carry any cable, wire, pipe, drain, sewer or channel of any kind through, across, under or over any highway, except with the permission in writing of the Highway Authority.

(*2*) In giving its consent, the Highway Authority may impose such conditions as it may deem to be necessary, and may also impose a rent or other charge for any land forming part of the highway occupied by or applied to the proposed work.

(*3*) If any person constructs or carries out any work in contravention of sub-section (*1*), the Highway Authority may arrange for the removal of such work and restoration of the highway to its former condition in accordance with the provisions of section 23 as if the work constituted an encroachment on the highway, and such expenses as the Highway Authority may incur for this purpose, shall, without prejudice to any other action that may be taken against such person, be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

Prevention and rectification of damaged highway.

54. (*1*) No person shall wilfully cause, or allow any vehicle or animal in his charge to cause any damage to any highway.

(*2*) Where in contravention of sub-section (*1*) any damage has been caused to any highway, the Highway Authority shall have the damage repaired and the expenses involved shall, without prejudice to any other action that may be taken against the person responsible for the contravention of sub-section (*1*), be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

CHAPTER VIII.

Penalties.

Disobedience of orders, instructions and refusal to give information, etc.

55. Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions that such person or authority is required or empowered under this Act to discharge, or, being required by or under this Act to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true shall, on conviction, be punished with fine which may extend to two hundred rupees.

Contravention of restrictions relating to access or erecting any building, etc.

56. Whoever erects, alters or extends any building, or makes any excavation, or constructs any means of access to or from a highway or does any other work in contravention of the provisions of section 9, shall, on conviction, be punished—

(*a*) with fine which may extend to five hundred rupees, and

(*b*) with further fine which may extend to one hundred rupees for each day after such conviction, during which the offending structure or work is not removed, demolished or cleared and the site not restored to its original condition.

Unauthorized occupation of highway.

57. Whoever —

(*a*) occupies or makes any encroachment on any highway in contravention of the provisions of sub-section (*1*) of section 21, or

(*b*) fails to comply with the notice served on him under sub-section (*1*) of section 23 for no valid reason,

shall, on conviction, be punished—

(*a*) for a first offence with fine which may extend to two hundred and fifty rupees,

(*b*) for a subsequent offence in relation to the same encroachment with fine which may extend to five hundred rupees plus a further fine not exceeding fifty rupees per day on which such occupation of the highway or encroachment continues.

Causing damage to highways.

58. Whoever in contravention of sub-section (*1*) of section 54 wilfully causes, or allows any vehicle or animal in his charge to cause any damage to any highway, shall, on conviction, be punished with fine which may extend to one thousand rupees.

General provision for punishment of offences.

59. Whoever contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for the offence, on conviction, be punished—

(*a*) for a first offence with fine which may extend to fifty rupees,

(*b*) for a subsequent offence with fine which may extend to two hundred rupees.

Power to compound offences.

60. Any offence committed under this Act may be compounded by the Highway Authority and if any proceedings have been instituted against any person in any criminal court, then on the terms of the compromise being carried out, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or any property of such person with reference to the same facts.

CHAPTER IX.

Miscellaneous.

Powers and duties of police.

61. Every police officer shall forthwith furnish information to the nearest Highway Authority, or the nearest officer subordinate to the Highway Authority of any offence coming to his knowledge which has been committed against this Act or any rule made under this Act, and shall be bound to assist the Highway Authority and its officers and servants in the exercise of their lawful authority.

Duties of village officials.

62. Every village headman, village accountant, village watchman or other village official by whatever name called, shall forthwith inform the nearest police station or the nearest Highway Authority or any officer duly authorised by the Highway Authority, whenever he becomes aware that any survey mark or any boundary mark of any highway or any mark showing the building or control line determined in respect of a highway has been destroyed, damaged, removed, displaced or otherwise tampered with, or that any damage to any highway or encroachment on any highway has been made.

Power to utilise highway for other than road purposes.

63. The Highway Authority may utilise temporarily for other than road purposes land forming part of a highway which is not immediately required for the passage of traffic, and dispose of the produce of such land.

Summary eviction.

64. Any person wrongfully occupying any land,—

(*a*) which is a part of a highway,

(*b*) the occupation of which contravenes any of the provisions of this Act and the said provisions do not provide for the eviction of such person,

shall be summarily evicted by the Collector in the manner provided in the Bombay City Land Revenue Act, 1876, or in the Bombay Land Revenue Code, 1879, as the case may be, on being required to do so by the Highway Authority or any officer authorized in this behalf by the State Government. Bom. II of 1876. Bom. V of 1879.

Inquiries to be held summarily.

65. (*1*) The Highway Authority or the officer authorized by the State Government in this behalf shall, if he desires to make any inquiry for the purposes of this Act, make the inquiry in the manner provided for holding a summary inquiry under the Bombay City Land Revenue Act, 1876, or the Bombay Land Revenue Code, 1879, and all the provisions contained in the said Act or Code relating to the holding of a summary inquiry, shall, so far as may be, apply. Bom. II of 1876. Bom. V of 1879.

(2) The Highway Authority and an officer authorized by the State Government or the Highway Authority under this Act shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers under the Bombay City Land Revenue Act, 1876, or the Bombay Land Revenue Code, 1879.

Bom. II of 1876. Bom. V of 1879.

Registration of map made under section 8 not required.

66. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any map made under section 8.

XVI of 1908.

(2) All such maps shall, for the purposes of sections 49 and 50 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

Provided that the maps shall be accessible to the public in the manner prescribed.

Certain persons to be public servants.

67. The Highway Authority, the officers and other persons authorized or appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Bar of jurisdiction.

68. No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Highway Authority, the Collector, an officer or person authorized under this Act, any Authority under section 35 or section 44 or the State Government.

Protection of persons acting in good faith and limitation of suit or prosecution.

69. (1) No suit, prosecution or other legal proceedings shall be instituted against any public servant or officer or person duly authorized under this Act in respect of anything in good faith done or intended to be done under this Act, or the rules or orders made thereunder.

(2) No suit or prosecution shall be instituted against any public servant or officer or person duly authorized under this Act in respect of anything done or intended to be done under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

Service of notices and bills.

70. (1) Every notice or bill issued or prepared under this Act, may be served or presented,—

(a) by delivering or tendering it or sending it by post to the person to whom it is addressed, or to his agent, or

(b) if such a person or his agent is not found then by leaving it at his usual or last known place of abode or by delivering or tendering it to some adult male member of his family or by causing it to be fixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where a notice under this Act is required to be served upon an owner or occupier of a building or land, it shall not be necessary to name the owner or occupier, and the service thereof may be effected either—

(a) by delivering or tendering the notice or sending it by post to the owner or occupier or if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person to whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

Power to make rules.

71. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters :—

(a) the manner in which the notification may be published in the village and at the headquarters of the taluka or mahal under sub-section (2) of section 7 ;

(b) the other places at which copies of map may be open to inspection under section 8 ;

(c) the form of application and its contents under sub-section (2) of section 9 ;

(d) the other manner of publishing the notification under section 15 ;

(e) the conditions on which and the amount of rent or charge on payment of which encroachments may be made on a highway ;

(f) the manner in which a reference shall be made under section 35 or 44 ;

(g) fixation of the date on which the betterment charges shall be payable under section 47 and instalments together with the rate of interest and the period within which such instalments shall be paid under the proviso to the said section ;

(h) the conditions on which any land may be relinquished or delivered in exchange in favour of the State Government under section 48 ;

(i) rules subject to which any highway or portion of it may be closed to traffic or any class of traffic or the number and speed or weight of vehicles using the highway may be regulated under section 50 ;

(j) rules subject to which plying of vehicles may be prohibited under section 51 :

(k) the prevention of obstruction of view of persons using highways and of annoyance, danger or injury to the public :

(l) the prevention of obstruction, encroachment and nuisances on or near and of damages to highways ;

(m) the proper maintenance of boundary marks demarcating highway boundaries and building and control lines ;

(n) the prescription of various forms of applications required to be made and the forms of notices and bills required to be served on persons, the charges to be made for the supply of copies of maps, and the rent or other charges to be imposed or levied under the provisions of this Act ;

(o) the general guidance of the Highway Authority in the discharge of its functions under this Act ;

(p) regulation or diversions of existing rights of access ;

(q) any other matter which is to be or may be prescribed.

Savings.

72. (1) Subject to the provisions of this section, nothing in this Act shall affect—

(a) the rights of any local authority to make any excavation for the purpose of laying, making, altering, repairing or renewing any sewer, drain, water course or other work ; or

(*b*) the rights of any authority appointed under any law for the time being in force for gas or water, electricity, railways, tramways or trolly vehicles to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus ; or

(*c*) any land belonging to a railway administration or belonging to or used by a person holding a licence or sanction for the generation, transformation or distribution of electricity under the Indian Electricity Act, 1910, when such land is held or used by the railway administration or such person, as the case may be, for the purpose of its railway or for generation, transformation or distribution of electricity, except in so far as they may consent thereto ; or

IX of 1910.

(*d*) any land within the limits of a cantonment or a port declared by or under any law made by Parliament or existing law to be a major port ;

(*e*) any land within the jurisdiction of a local authority under the administrative control of the Central Government :

Provided that—

(i) any restrictions in force under section 9 as to construction, formation or laying out of means of access to, or from, any road, shall without any such consent as aforesaid, extend to any such land as is specified in clause (*c*) in so far as the restrictions relate to means of access over or under such land to, or from, land other than land so specified ; and

(ii) any consent required for the purposes of this section shall not be unreasonably withheld and the question whether or not the consent so required is unreasonably withheld shall be determined by the State Government and the decision of the State Government on the question shall be final.

(*2*) Nothing in this Act shall affect any powers and duties of the telegraph authority under the provisions of the Indian Telegraph Act, 1885.

XIII of 1885.

Explanation.—For the purpose of this section the Bombay Housing Board constituted under the Bombay Housing Board Act, 1948, shall be deemed to be a local authority

Bom. LXIX of 1948.

73. Save as provided in section 72, the provisions of this Act or rules made thereunder in regard to any matter dealt with thereby shall prevail over the provisions of any other law made by the State Legislature or any law which the State Legislature is competent to make or to amend, in so far as such law is inconsistent with the said provisions or rules, and such law to the extent of such inconsistency shall cease to apply or shall not apply to any such matter.

Provisions of this Act or rules to prevail over inconsistent provisions in other laws.

74. For the avoidance of doubt it is hereby declared that nothing in this Act shall apply to highways which are or have been declared by or under any law made by Parliament to be national highways :

Building and control lines along national highways.

Provided that if any highway is declared to be a national highway by or under any law made by Parliament, it shall be lawful for the State Government to fix or not to fix the building and control lines for different portions of the said highway under section 7 and thereafter the provisions of this Act in so far as they apply to the restrictions on buildings between the highway boundary and the building line or between the building line and the control line and other provisions relating to such building and control lines shall, *mutatis mutandis*, apply.

SCHEDULE.

[*See* sections 28 (*2*) and 30.]

Amendments to the Land Acquisition Act, 1894.

Amendment of section 23 of Act I of 1894.

1. For section 23 of the Land Acquisition Act, 1894 (hereinafter called the said Act), the following shall be substituted, namely :— I of 1894.

Matters to be considered in determining compensation.

"23. In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the following matters shall be taken into consideration :—

(*1*) the market value at the date of the publication of the declaration under section 15 of the Bombay Highways Act, 1955 ; Bom. LV of 1955.

(*2*) the use to which the land was put at the date of such declaration ;

(*3*) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him ;

(*4*) the damage (if any) sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land ;

(*5*) the damage (if any) sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injuriously affecting his other property, moveable or immoveable, in any other manner or his earnings ;

(*6*) if in consequence of the acquisition of the land the person interested is compelled to change his residence, or place of business, the reasonable expenses, if any, incidental to such change."

Amendment of section 24 of Act I of 1894.

2. For section 24 of the said Act, the following shall be substituted, namely :—

Matters to be neglected in determining compensation.

"24. But the following matters shall not be taken into consideration :—

(*1*) the degree of urgency which has led to the acquisition ;

(*2*) any disinclination of the person interested to part with the land acquired ;

(*3*) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

(*4*) any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 15 of the Bombay Highways Act, 1955, by or in consequence of the use to which it will be put ; Bom. LV of 1955.

(*5*) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

(*6*) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;

(*7*) any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the Highway Authority after the date of the publication of the declaration under section 15 of the Bombay Highways Act, 1955 ;

Bom LV of 1955.

(*8*) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the Highway Authority ;

(*9*) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health."

THE BOMBAY ELECTRICITY (SPECIAL POWERS) ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1955.

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PREAMBLE.

SECTION.

1. Short title, extent and commencement.

2. Application of Bom. XX of 1946 to certain Scheduled Areas.

SCHEDULE.

BOMBAY REGULATION No. I OF 1955.

[THE BOMBAY ELECTRICITY (SPECIAL POWERS) ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1955.]

[*28th April 1955*]

A regulation for the application of the Bombay Electricity (Special Powers) Act, 1946, to certain Scheduled Areas in the State of Bombay.

Whereas it is necessary to apply the provisions of the Bombay Electricity (Special Powers) Act, 1946 (Bom. XX of 1946), to certain Scheduled Areas in the State of Bombay for the peace and good government of the said Areas;

XX of 1946.

Now, therefore, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following Regulation, namely :—

1. (*1*) This Regulation may be called the Bombay Electricity (Special Powers) Act (Application to Scheduled Areas) Regulation, 1955. Short title, extent and commencement.

(*2*) It extends to the Scheduled Areas specified in the Schedule annexed hereto.

(*3*) It shall come into force at once.

2. The Bombay Electricity (Special Powers) Act, 1946, shall apply to the Scheduled Areas specified in the Schedule annexed hereto. Application of Bom. XX of 1946 to certain Scheduled Areas.

SCHEDULE.

(*See* section 2.)

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

THE BOMBAY GOVERNMENT PREMISES (EVICTION) ACT, 1955.

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4. Power to evict.
5. Power to recover rent or damages as arrears of land revenue.
6. Rent to be recovered by deduction from salary or wages in case of Government servants.
7. Appeal.
8. Bar of jurisdiction of Civil Courts.
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MG-B 5019 H—10

BOMBAY ACT No. II OF 1956.[1]

[THE BOMBAY GOVERNMENT PREMISES (EVICTION) A

[19th J 6]

An Act to provide for the eviction of certain persons from Gove nises and for certain matters connected therewith.

WHEREAS it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Government Premises (Eviction) Act, 1955. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) " competent authority " means an officer appointed as the competent authority under section 3 ;

(*b*) " Government premises " means any premises belonging to, or leased or requisitioned by, the Government of Bombay ;

(*c*) " land " includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;

(*d*) " premises " means any land or building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ; and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*e*) " prescribed " means prescribed by rules made under this Act.

3. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority for carrying out the purposes of this Act in such area as may be specified in the notification. Appointment of competent authorities.

4. (*1*) If the competent authority is satisfied— Power to evict.

(*a*) that the person authorised to occupy any Government premises, has whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

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[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 148.

MO.-B H 5019—10*a*

(*b*) that any person is in unauthorised occupation of any Government premises, or

(*c*) that any Government premises named are required for any other Government purposes,

the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(*2*) Before an order under sub-section (*1*) is made against any person the competent authority shall inform the person by notice in writing of the grounds for which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made, within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such tarms as to payment and recovery of the amount claimed in the notice as it deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate, attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (*1*).

(*3*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

(*4*) The State Government may, after giving fourteen clear days' notice to the person from whom possession of the Government premises has been taken under sub-section (*3*) and after publishing such notice in the *Official Gazette* and in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for service of notice under sub-section (*1*).

(*5*) Where the property is sold under sub-section (*4*), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the State Government to be entitled to the same.

(*6*) If a person who has been ordered to vacate any Government premises for the reasons specified in sub-clause (*i*) or (*iii*) of clause (*a*) of sub-section (*1*) within one month of the date of service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall in lieu of evicting such person under sub-section (*3*), cancel its order made under sub-section (*1*) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Explanation.—For the purposes of this section and section 5, the expression "unauthorised occupation" in relation to any person authorised to occupy any Government premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

Power to recover rent or damages as arrears of land revenue.

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any Government premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears or rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

(*3*) No order shall be made under sub-section (*2*) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the competent authority.

Rent to be recovered by deduction from salary or wages in case of Government servants.

6. Without prejudice to the provisions of section 4, in the case of any person who is an employee of the State Government and who has been allotted any Government premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in that behalf by the competent authority to the Head of the Government Department or office under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Government Department or office, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the competent authority in satisfaction of the rent due by him.

Appeal.

7. (*1*) Any person aggrieved by an order of the competent authority under section 4, or section 5, may, within one month of the date of service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government :

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the State Government may, after calling for a report from the competent authority and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Bar of jurisdiction of civil courts.

8. No order made by the State Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceedings shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Delegation.

10. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

11. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punished with fine which may extend to one thousand rupees.

Rules.

12. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the forms of notices and the other manner in which they may be served ;

(*b*) the procedure to be followed in taking possession of Government premises ;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(*e*) any other matter which has to be or may be prescribed.

THE BOMBAY AERIAL ROPEWAYS ACT, 1955.

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BOMBAY ACT No. III OF 1956[1].

[THE BOMBAY AERIAL ROPEWAYS ACT, 1955.]

[*22nd February 1956*]

An Act to authorize, facilitate and regulate the construction and working of aerial ropeways in the State of Bombay.

WHEREAS it is expedient to authorize, facilitate and regulate the construction and working of aerial ropeways in the State of Bombay ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Aerial Ropeways Act, 1955.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " aerial ropeway " means a system of overhead ropes on which carriers are used for the purpose of carriage of passengers, animals or goods and includes posts, ropes, carriers, stations, offices, warehouses, workshops, machinery and other works used for the purposes of, or in connection with, and all land appurtenant to, such aerial ropeway ;

(*b*) " carrier " means any vehicle or receptacle hung or suspended from or, hauled by, a rope and used for the carriage of passengers, animals or goods or for any other purpose in connection with the working of a ropeway ;

(*c*) " Inspector " means an Inspector of aerial ropeways appointed under section 4 ;

(*d*) " post " means a post, trestle, standard, strut, stay or other contrivance or part of a contrivance for carrying, suspending or supporting a rope ;

(*e*) " prescribed " means prescribed by rules made under this Act ;

(*f*) " promoter " means any person in whose favour an order has been made under section 10 or under section 30 or on whom the rights and liabilities conferred or imposed on the promoter by this Act or by rules and orders made under this Act as to the construction, maintenance and use of aerial ropeways have devolved or have been imposed by section 42 ; and includes a lessee to whom a lease has been granted under section 27 ;

(*g*) " rate " includes any fare, charge or other payment for the carriage of passengers, animals or goods on an aerial ropeway ;

(*h*) " rope " includes any cable, wire, rail or way, whether flexible or rigid, for suspending, carrying or hauling a carrier, if any part of such cable, wire, rail or way is carried overhead and is suspended from or supported on posts ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, pp. 201-202.

(*i*) " rules " means rules made under this Act ;

(*j*) " undertaking " means all moveable and immovable property of the promoter suitable to and used by him for the purposes of an aerial ropeway.

CHAPTER II.

ADVISORY BOARD AND ESTABLISHMENT.

Power of State Government to constitute Advisory Board for aerial ropeways.

3. (*1*) The State Government shall, by notification in the *Official Gazette*, constitute an Advisory Board for aerial ropeways.

(*2*) Such Board shall consist of a Chairman to be appointed by the State Government who shall be a Chief Engineer to the State Government and two persons to be appointed by the State Government as expert members.

(*3*) The State Government may, by general or special order,—

(*a*) define the duties of, and regulate the procedure of, the Advisory Board ;

(*b*) determine the tenure of office of the members of the Board ; and

(*c*) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of such Board in the performance of his duty.

Appointment of Inspectors and subordinate officers and servants and their powers and duties.

4. (*1*) The State Government may appoint such persons as they deem fit to be Inspectors of aerial ropeways.

(*2*) The Inspector shall exercise such powers and perform such functions and duties as may be provided by or under the provisions of this Act. It shall also be the duty of any such Inspector from time to time to inspect such ropeways and to determine whether they are maintained in a fit condition and worked with due regard to the convenience and safety of the persons using them and of the general public, and consistently with the provisions of this Act.

(*3*) The State Government may also appoint other subordinate officers and servants with such designations and assign to them such powers, duties and functions as may be necessary for carrying out the purposes of this Act.

CHAPTER III.

AERIAL ROPEWAYS FOR PUBLIC TRAFFIC.

Procedure and Preliminary Investigation.

Unauthorized construction, maintenance, etc., of aerial ropeways prohibited.

5. No aerial ropeway shall be constructed, opened, maintained or worked except in accordance with the provisions of this Act.

Application for concession.

6. Every application by an intending promoter other than the State Government for permission to undertake the necessary preliminary investigations in regard to a proposed aerial ropeway shall be submitted to the State Government.

Contents of application.

7. Every application to be made under section 6 shall include,—

(*a*) a description of the undertaking and of the route to be followed by the proposed aerial ropeway ;

(*b*) a description of the system of construction and management and of the advantages to the community to be expected from such ropeway ;

(*c*) an estimate of the cost of construction thereof ;

(*d*) a statement of the estimated working expenses and profits in respect thereof ;

(*e*) a statement of the maximum and minimum rates which it is proposed to charge ;

(*f*) such maps, plans, sections and drawings in connection therewith as the State Government may require in order to form an idea of the proposal.

Sanction to preliminary investigation.

8. (*1*) Subject to the provisions of this Act, and of section 4 of the Land Acquisition Act, 1894, the State Government may accord sanction to the intending promoter to make such surveys as may be necessary, and require him to submit such detailed estimates, plans, sections and specifications and such further information as it may think necessary for the full consideration of the proposal.

I of 1894.

(*2*) The intending promoter shall not be entitled to claim any compensation from the State Government for any expense incurred under this section in the event of his application being refused.

Orders Authorizing the Construction of Ropeways.

Order authorizing construction and contents of such order.

9. (*1*) The State Government may, on application made by any intending promoter, and after due consideration of the details supplied in accordance with section 8, publish in the *Official Gazette* a draft of the proposed order authorizing the construction by, or on behalf of, such promoter, subject to such restrictions and conditions as the State Government may think proper, of an aerial ropeway within any area, or along any route specified in such order—

(*a*) for the public carriage of passengers ;

(*b*) for the public carriage of passengers and goods ;

(*c*) for the public carriage of animals and goods ; or

(*d*) for the public carriage of passengers, animals and goods.

(*2*) A notice shall be published with the draft order stating that any objection or suggestion which any person may desire to make with respect to the proposed order, if submitted to the State Government within three months from the date of publication of such notice will be considered by the State Government.

(*3*) The State Government shall also cause public notice of the intention to make the order to be given at convenient places within the said area or along the said route, and shall, so far as may be conveniently possible, cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion, with respect to the proposed order, which may be received from any person within the period specified in such notice and decide thereon.

(*4*) The draft of the proposed order may specify—

(i) a time within which the capital required for the construction of the aerial ropeway shall be raised ;

(ii) a time within which the construction shall be commenced ;

(iii) a time within which the construction shall be completed ;

(iv) the conditions under which any concession may be given by the State Government or a local authority to the promoter ;

(v) subject to the provisions of section 24, the rights of purchase by the State Government or by a local authority concerned ;

(vi) the conditions relating to the structural design, quality of materials, factors of safety, method of computing stresses, and other such technical detail as may be considered necessary ;

(vii) the conditions relating to the construction of the aerial ropeway over public ways of communication except highways which are or have been declared by or under any law made by Parliament to be national highways, railways and tramways not wholly within a municipal area, and, with the previous consent of the Central Government or the railway administration, as the case may be, over such national highways, railways and tramways or over mining properties ;

(viii) the conditions under which the promoter may sell or transfer his rights to the State Government or to a local authority, or to any other person ;

(ix) the conditions under which the aerial ropeway may be taken over by the State Government to be worked by itself or by a local authority or by a person other than the promoter ;

(x) the motive power to be used on the aerial ropeway and the conditions, if any, on which such power may be used ;

(xi) the minimum headway to be maintained under different parts of the rope ;

(xii) the points under the rope at which bridges or guards shall be constructed and maintained ;

(xiii) the amount of security, if any, to be deposited by the promoter in the event of his application being granted ;

(xiv) the traffic which may be carried on the aerial ropeway, the traffic which the promoter shall be bound to carry, and the traffic which he may refuse to carry ;

(xv) subject to the provisions of section 18, the rates that may be charged by the promoter and the circumstances in which and the manner in which these rates may be revised by the State Government ; and

(xvi) such other matters as the State Government may deem necessary.

Final order.

10. (*1*) If, after considering any objections or suggestions which may have been made in respect to the draft before the expiry of the period of three months specified in sub-section (*2*) of section 9, the State Government is of opinion that the application should be granted with or without modifications, or subject to any restrictions or conditions, it shall make an order accordingly.

(*2*) Every order authorizing the construction of an aerial ropeway made under sub-section (*1*) shall be published in the *Official Gazette*, and such publication shall be conclusive proof that the order has been made as required by this section.

Cessation of powers given by order under section 10.

11. If a promoter authorized by an order made under section 10 to construct an aerial ropeway does not within the time specified in the order—

(*a*) succeed in raising the full amount of capital required for the completion of such ropeway, or

(*b*) substantially commence the construction of such ropeway, or

(*c*) complete the construction thereof,

the powers given to the promoter by such order shall, unless the State Government extends the time so specified, cease to be exercised.

Opening of aerial ropeway to passenger traffic.

12. When the construction of an aerial ropeway has been authorized under this Act for the public carriage of animals and goods only, the State Government may, on application made by the promoter, sanction the opening of such ropeway for the public carriage of passengers also.

Promoter and his servants, etc., to afford facilities to Inspectors and other officers.

13. The promoter, his servants, agents or any person acting on his behalf shall afford to all Inspectors and officers and servants appointed under section 4 reasonable facilities for the exercise of the powers and the performance of the duties and functions conferred and imposed on them under the provisions of this Act and the rules.

Inspection of Public Aerial Ropeways.

Inspection of aerial ropeway before opening.

14. (*1*) No aerial ropeway shall be opened for any kind of traffic until the State Government or an Inspector empowered by the State Government in this behalf has, by an order, sanctioned the opening thereof for that purpose. Such sanction shall not be given until rules for the safe and efficient working of the aerial ropeway have been duly made under section 45 and an Inspector has, after inspection of the aerial ropeway, reported in writing to the State Government—

(*a*) that he has made a careful inspection of the aerial ropeway and appurtenances;

(*b*) that the moving and fixed dimensions and other conditions prescribed under sub-section (*4*) of section 9 and sub-section (*1*) of section 10 have been complied with;

(*c*) that the aerial ropeway is sufficiently equipped for the traffic for which it is intended;

(*d*) that the aerial ropeway is, in his opinion, fit for public traffic and can be used without danger either to the persons, animals or goods carried thereon, or to the persons employed thereon, or to the general public.

(*2*) The provisions of sub-section (*1*) shall extend to the opening of additional sections of the aerial ropeway, and to deviation lines and any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sub-section (*1*) apply or are extended by this sub-section.

Construction and Maintenance of Aerial Ropeways for Public Traffic.

Authority of promoter to execute all necessary works.

15. (*1*) Subject to the provisions of this Act and the rules, and in the case of immovable property not belonging to the promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes, a promoter of an aerial ropeway for public traffic may—

(*a*) make such survey as he thinks necessary;

(*b*) place and maintain posts in or upon any immovable property;

(*c*) suspend and maintain a rope over, along or across any immovable property;

(*d*) make such bridges, culverts, drains, embankments and roads as may be necessary;

(*e*) erect and construct such machinery, offices, stations, warehouses and other buildings, works and conveniences as may be necessary; and

(*f*) do all other acts necessary for constructing, maintaining, altering, repairing and using the aerial ropeway:

Provided that a promoter may take any action under clause (*b*) or clause (*c*) of this sub-section, notwithstanding the objection of the owner or occupier of the property affected thereby, if the Collector, after giving such owner and occupier by notice in writing an opportunity of being heard, by an order in writing, permits such action.

(*2*) When making an order under the proviso to sub-section (*1*), the Collector shall fix the amount of compensation or of annual rent or of both which should, in his opinion, be paid by the promoter to the owner of the property affected thereby, or, in the case of immovable property, to the owner or occupier thereof.

Explanation.—For the purposes of this section, if a promoter is not a company within the meaning of the Indian Companies Act, 1913, or a local authority, such promoter shall be deemed to be a company and the provisions of Part VII of the Land Acquisition Act, 1894, shall *mutatis mutandis* apply to the acquisition of immovable property on his behalf. VII of 1913. I of 1894.

Temporary entry upon land for repairing or preventing accident.

16. (*1*) Subject to the rules, a promoter may, at any time, for the purpose of examining, repairing or altering an aerial ropeway or of preventing any accident, enter upon any immovable property adjoining such ropeway for public traffic, and may do all such works as may be necessary for such purpose.

(*2*) In the exercise of the powers conferred by sub-section (*1*), the promoter shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and in case of dispute as to the amount of such compensation, or the person to whom it shall be paid, the matter shall be referred to the decision of the Collector.

Removal of trees, structures, etc.

17. (*1*) Where any tree standing or lying near an aerial ropeway for public traffic, or where any structure or other object which has been placed or had fallen near any such ropeway subsequently to the issue of an order under section 10 in regard to such ropeway, interrupts or interferes with, or is likely to interrupt or interfere with, the construction, maintenance, alteration or use of the ropeway, the Collector may, on the application of the promoter, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

(*2*) When disposing of an application under sub-section (*1*), the Collector shall, in the case of any tree in existence before the construction of the aerial ropeway, award to the person interested in the tree such compensation, if any, as he thinks reasonable and the Collector may recover the same from the promoter as an arrear of land revenue.

Explanation.—For the purposes of this section, the expression "tree" shall be deemed to include any shrub, hedge, junglegrowth or other plant.

Working of Aerial Ropeway for Public Traffic.

Promoter may fix rates.

18. The promoter of an aerial ropeway for public traffic shall, for the purposes of such ropeway, and subject to such maximum and minimum rates as may be prescribed, have power from time to time to fix the rates for the carriage of passengers, animals or goods, as the case may be, on such ropeway.

Duty of promoter to work aerial ropeway without partiality.

19. No promoter shall, for the purposes of working an aerial ropeway for public traffic make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person or any particular description of traffic in any respect whatsoever, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Reporting of accidents.

20. When any of the following accidents occur in the course of working an aerial ropeway for public traffic, namely :—

(*a*) any accident attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property ;

XLV of 1860.

(*b*) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;

(*c*) any accident of any other description which the State Government may specify in this behalf in the rules,

the promotor shall, without unnecessary delay, send notice of the accident to the State Government and to the Inspector and the servant of the promoter in charge of the station on the aerial ropeway nearest to the place at which the accident occurred or, where there is no station, the promoter's servant in charge of the section of the aerial ropeway on which the accident occurred, shall, with the least possible delay, give notice of the accident in Greater Bombay, to the Commissioner of Police and elsewhere to the Magistrate of the district in which the accident occurred and to the officer in charge of the police station within the local limits of which such accident occurred.

Power to close and re-open aerial ropeway.

21. (*1*) If, after inspecting any aerial ropeway opened to public traffic an Inspector is of opinion that the aerial ropeway or any specified part thereof cannot be used without danger to the public, or is no longer in a fit state for the carriage of any specified class of traffic, he shall state that opinion, together with the ground therefor, to the State Government.

(*2*) The State Government, after such further inquiry, if any, as it may think fit, may thereupon order that, for reasons, to be set forth in the order, the aerial ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of traffic :

Provided that, in any case of extreme urgency, the Inspector may order the suspension of the working of the ropeway or any part thereof which he considers necessary pending the orders of the State Government on the case.

(*3*) When, under sub-section (*2*) an aerial ropeway or any part thereof has been closed to any traffic, it shall not be re-opened to such traffic, until it has been inspected, and its re-opening sanctioned, in the prescribed manner.

Discontinuance of Aerial Ropeways for Public Traffic.

Cessation of powers of promoter on discontinuance of aerial ropeway.

22. If, at any time after the opening of an aerial ropeway for public traffic, it is proved to the satisfaction of the State Government that the promoter has, continuously for a period of three months or more, discontinued the working of the aerial ropeway or of any part thereof, without a reason sufficient, in the opinion of the State Government, to warrant such discontinuance, the State Government, if it thinks fit, may by notification in the *Official Gazette*, declare that the powers of the promoter in respect of such ropeway or part thereof shall be at an end, and with effect from the date of the publication of such notification, the promoter shall cease to exercise such powers.

Power of removal of aerial ropeway on cessation of promoter's powers.

23. (*1*) When a notification has been published under section 22, in respect of any aerial ropeway or of any part thereof—

(*a*) an officer appointed in that behalf by the State Government may, at any time after the expiration of two months from the date of such notification, remove such ropeway or part thereof, as the case may be ; and

(*b*) the promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him.

(*2*) If the promoter fails to pay the amount of costs so certified within one month after the delivery to him of the certificate or of a copy thereof, such officer—

(*a*) may, without any previous notice to the promoter and without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the aerial ropeway or part thereof so removed ; and

(*b*) may, out of the proceeds of the sale, pay and reimburse himself the amount of costs certified as aforesaid and of the costs of the sale ; and

(*c*) shall pay the surplus, if any, of such proceeds to the promoter.

Purchase of Aerial Ropeways for Public Traffic.

Power of State Government and local authorities to purchase aerial ropeways for public traffic.

24. (*1*) When an order under section 10 has been made in favour of a promoter of an aerial ropeway for public traffic not being a local authority, the State Government, or a local authority specified in the order published under the said section 10 shall on the expiration of such period not exceeding twenty-one years, and of every such subsequent period, not exceeding seven years, as shall be specified in such order, have the option of purchasing the undertaking, and if the State Government, or the local authority with the previous sanction of the State Government, elects to so purchase the undertaking, the promoter shall sell the undertaking to the State Government or to the local authority, as the case may be, on payment of the value of all lands, buildings, works, materials, plant and apparatus of the promoter, suitable to, and used by him for the purposes of the undertaking, such value to be in case of difference or dispute determined by arbitration :

Provided that the value of such lands, buildings, works, materials, plant and apparatus shall be deemed to be their fair market value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials, plant and apparatus, and to the state of repair thereof, and to the circumstances that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking.

(*2*) Where a purchase has been effected under sub-section (*1*)—

(*a*) the undertaking shall vest in the purchaser free from any debts, mortgages or similar obligations of the promoter or attaching to the undertaking :

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking ; and

(*b*) save as aforesaid, the order published under section 10 shall remain in full force, and the purchaser shall be deemed to be the promoter :

Provided that where the State Government elects to purchase, the order under section 10 shall, after purchase, in so far as the State Government is concerned, cease to have any further operation but all the other provisions of this Act excepting section 33 in so far as they relate to aerial ropeways for public traffic shall apply in respect of the undertaking so purchased by the State Government.

(*3*) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the promoter by the State Government or the local authority, as the case may be.

(*4*) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the State Government, waive its option to purchase and enter into an agreement with the promoter for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (*1*) upon such terms and conditions as may be stated in the agreement.

Power to promoter to sell when option to purchase exercised and order revoked by consent.

25. Where, on the expiration of any of the periods referred to in section 24, neither the State Government nor a local authority purchases the undertaking, and the order published under section 10 is, on the application or with the consent of the promoter, revoked, the promoter shall have the option of disposing of all lands, buildings, works, materials, plant and apparatus belonging to the undertaking in such manner as he may think fit.

Inability or Insolvency of Promoter.

Proceedings in case of inability or insolvency of promoter.

26. (*1*) If, at any time after the opening of an aerial ropeway for public traffic, it appears to the State Government that the promoter is insolvent or is unable to maintain the aerial ropeway, or to work the same with advantage to the public or to work it at all, the State Government may declare that the powers of the promoter, in respect of such ropeway, shall, at the expiration of six months from the date of such declaration, be at an end ; and thereupon the promoter shall, at the expiration of that period cease to exercise such powers.

(*2*) At any time after the expiration of the said period of six months, an officer appointed by the State Government in that behalf, may, notwithstanding anything contained in the Presidency-Towns Insolvency Act, 1909, or the Provincial Insolvency Act, 1920, remove the aerial ropeway in the same manner and subject to the same provisions as to the payment of costs and to the same remedy for the recovery thereof, in every respect, as in cases of removal under section 23.

III of 1909. V of 1920.

Lease of aerial ropeway by local authority.

27. (*1*) Where the promoter of an aerial ropeway for public traffic is a local authority or where a local authority has purchased any such ropeway under section 24, such local authority may with the previous sanction of the State Government and subject to such conditions as the State Government may think fit to impose, let to any person, by a lease, the right of user of the aerial ropeway and of demanding and taking the rates for the carriage of passengers, animals or goods, as the case may be, on such ropeway subject to such maximum and minimum rates as may be prescribed.

(*2*) On the determination of such lease, the local authority may from time to time renew the lease for such further term and on such conditions as the State Government may approve.

(*3*) Every lease made under this section shall imply a condition of re-entry if at any time after the making or renewal thereof, it is proved to the satisfaction of the State Government that the lessee has practically discontinued the working of the aerial ropeway so leased or of any part thereof for a period of one month without a reason sufficient in the opinion of the State Government to warrant the discontinuance.

(*4*) Any person to whom any right of the promoter is let by a lease under sub-section (*1*) or (*2*) shall furnish the local authority with security for such amount as the local authority may determine for the due fulfilment of the conditions of the lease.

(*5*) Any person to whom any right of the promoter is let under sub-section (*1*) or (*2*) shall not exercise such right except in accordance with the conditions of the lease and the provisions of this Act and the rules and in the case of a contravention of any of the provisions of this Act or the rules he shall be subject to the same liability as a promoter.

Review and Revision.

Review of orders under section 10 or 21.

28. (*1*) When any person is aggrieved by an order made under section 10 or under section 21, such person, on payment of the prescribed fees, may within thirty days of the said order, apply to the State Government for review of the same, and the State Government shall then take the advice of the Advisory Board in the prescribed manner and shall consider such advice and pass such orders in the matter as the State Government may think to be just and proper.

(*2*) With a view to enabling the Board to tender their advice under sub-section (*1*) the Board, with the consent of the State Government and on payment of such further fees as may be prescribed, may make such further inquiry into the matter as the Board may consider to be necessary.

Orders of Collector subject to revision by State Government.

29. No suit shall lie, in respect of any matter referred to in the proviso to sub-section (*1*) or sub-section (*2*) of section 15, section 16 or sub-section (*1*) of section 17, but every order made by the Collector under any of those sections, and every award made by him under sub-section (*2*) of section 17 shall be subject to revision by the State Government except in the case of an award of compensation made by the Collector on account of action taken under clause (*b*) or (*c*) of sub-section (*1*) of section 15, which award shall be subject to revision by a Judge of the City Civil Court in Greater Bombay and elsewhere by the District Judge.

CHAPTER IV.

PRIVATE AERIAL ROPEWAYS FOR CERTAIN PURPOSES.

Application for acquisition of land in case of certain private aerial ropeways.

30. (*1*) Where the State Government is satisfied that the construction, extension, working or management of an aerial ropeway for private traffic is likely to prove useful to the public by reason of its facilitating the transport of commodities, in general use or is required for the conservation or supply of such commodities and where the intending promoter of such ropeway is desirous of obtaining any land for the purpose of such construction, extension, working or management, the State Government may, on the application of such promoter, acquire on his behalf such land under the provisions of any enactment for the time being in force for the acquisition of land for public purposes or procure the temporary occupation of the same under the provisions of Part VI of the Land Acquisition Act, 1894, whether the said intending promoter is or is not a company as defined in that Act.

I of 1894.

(*2*) The State Government shall, by notification in the *Official Gazette*, declare the commodities which shall be deemed to be commodities in general use for the purposes of sub-section (*1*).

Explanation.—For the purposes of this Act, if a promoter is not a company within the meaning of the Indian Companies Act, 1913, or a local authority, such promoter shall be deemed to be a company and the provisions of Part VII of the Land Acquisition Act, 1894, shall *mutatis mutandis* apply to the acquisition of immovable property on his behalf.

VII of 1913.

I of 1894.

Agreement.

31. (*1*) No order shall be made by the State Government under sub-section (*1*) of section 30 until an inquiry has been held as hereinafter provided and the intending promoter has entered mto an agreement with the State Government in respect of the matters mentioned in sub-section (*4*).

(*2*) Such inquiry shall be held by such officer and at such time and place as the State Government shall appoint.

(*3*) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible in the same manner as is provided by the Code of Civil Procedure, 1908, in the case of civil court.

V of 1908.

(*4*) Such officer shall report to the State Government the result of the inquiry, and if the State Government is satisfied that the aerial ropeway is or is likely to be useful to the public, it shall, subject to the rules, require the intending promoter to enter into an agreement with the State Government providing to the satisfaction of the State Government for the following matters, namely :—

(*a*) the terms on which the aerial ropeway shall be held by the promoter;

(*b*) the time within which, and the conditions on which, the aerial ropeway shall be constructed, maintained and used.

(*5*) Every such agreement shall, as soon as may be after its execution, be published in the *Official Gazette*.

Temporary occupation of land in case of private aerial ropeway.

32. If land is to be occupied temporarily in accordance with the provisions of sub-section (*1*) of section 30 on behalf of the promoter of an aerial ropeway for private traffic, and if the State Government, on the application of the promoter, so directs, then the provisions of Part VI of the Land Acquisition Act, 1894, shall apply to such occupation, subject to the provisions that, notwithstanding anything contained in section 36 of the Land Acquisition Act, 1894, the occupation and use by the promoter of the land occupied shall continue for such period, not exceeding ten years, as the State Government may fix, and that the compensation payable to the persons interested in such land shall be fixed with due regard to any additional loss or inconvenience caused to them by reason of such period of occupation, including loss caused by the interruption of the getting of minerals by reason of such occupation. I of 1894. I of 1894.

CHAPTER V.

Offences, Penalties and Arrest.

Failure of person or promoter to comply with Act.

33. (*1*) If any person constructs, opens, maintains or works any aerial ropeway, in contravention of the provisions of section 5, or

(*2*) if any promoter of an aerial ropeway for public traffic—

(*a*) constructs or maintains an aerial ropeway otherwise than in accordance with the provisions of an order made under section 10, or

(*b*) fails to comply with the provisions of section 13, or

(*c*) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 14, or

(*d*) fails to pay within a reasonable time any compensation awarded under section 15, 16, 17 or 29, or

(*e*) contravenes any of the provisions of section 19, or

(*f*) fails to send notice of any accident as required by section 20, or

(*g*) fails to close an aerial ropeway in accordance with an order passed under sub-section (*1*) of section 21, or re-opens any aerial ropeway in contravention of sub-section (*2*) of that section, or

(*h*) continues to exercise the powers of a promoter in respect of any aerial ropeway, in contravention of the provisions of section 22 or section 26, or

(*i*) fails to comply with the provisions of section 38, or

(*j*) contravenes any of the provisions of section 39, or

(*k*) contravenes the provisions of any rule made under section 45,

such person or the promoter, as the case may be, shall, without prejudice to the enforcement of specific performance of the requirements of this Act, or of any other remedy, which may be obtained against him, on conviction, be punished with fine which may extend to two hundred rupees and, in the case of a continuing offence, to a further fine which may extend in the case of an offence specified in sub-clause (*d*), (*e*), (*f*), (*i*), (*j*) or (*k*) of clause (2) to fifty rupees, and in the case of an offence specified in clause (1) or sub-clause (*a*), (*b*), (*c*), (*g*) or (*h*) of clause (2) to one thousand rupees for every day after the first conviction during which the offence continues to be committed.

Unlawfully obstructing promoter or lessee in exercise of his powers.

34. If any person without lawful excuse, the burden of proving which shall be upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing, maintaining, altering, repairing, using or working an aerial ropeway, or destroys any mark made for the purpose of setting out the line or route of such ropeway, he shall, on conviction, be punished with fine which may extend to two hundred rupees.

Unlawfully interfering with aerial ropeway.

35. If any person without lawful excuse, the burden of proving which shall be upon him, wilfully does any of the following things, namely :—

(*a*) interferes with, removes or alters any part of an aerial ropeway or of the works connected therewith,

(*b*) does anything in such a manner as to obstruct any carrier travelling on an aerial ropeway,

(*c*) attempts to do or abets within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (*a*) or clause (*b*),

XLV of 1860

he shall, without prejudice to any other remedy which may be obtained against him in a Court, on conviction, be punished with fine which may extend to two hundred rupees.

Maliciously doing, abetting or attempting to do, acts endangering safety of persons travelling or being upon aerial ropeway.

36. If any person does anything mentioned in clause (*a*), (*b*) or (*c*) of section 35 or does, attempts to do, or abets, within the meaning of the Indian Penal Code, the doing of any other act or thing in relation to an aerial ropeway with intent or with knowledge that he is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall, on conviction, be punished with imprisonment for a term which may extend to fourteen years.

XLV of 1860.

Arrest for offences against certain sections.

37. (*1*) If any person commits any offence punishable under section 35 or 36 such person may be arrested without warrant or other written authority by any servant of the promoter or by any police officer or by any other person whom such servant or officer may call to his aid.

(*2*) Where any such servant or any other person arrests any person under sub-section (*1*), he shall make over the person so arrested to a police officer or in the absence of a police officer take such person or cause him to be taken in custody to the nearest police station.

(*3*) No person arrested under sub-section (*1*) shall be detained in custody for a longer period than under all the circumstances of the case is reasonable and such period shall not, in the absence of a special order of a Magistrate exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

CHAPTER VI

MISCELLANEOUS.

Returns.

38. A promoter of an aerial ropeway for public traffic shall, in respect of such ropeway, submit to the State Government returns of capital, receipts and traffic at such intervals and in such forms as may be prescribed.

Protection of roads, railways, tramways and water-ways.

39. No promoter of an aerial ropeway shall, in the course of the construction, repair, working or management of such ropeway, cause any permanent injury to any public road, railway, tramway or waterway, or obstruct or interfere with, otherwise than temporarily, as may be necessary, the traffic on any public road, railway, tramway or waterway.

Acquisition of land by promoter.

40. The State Government may, if it thinks fit, on the application of any promoter of an aerial ropeway for public traffic desirous of obtaining any land for the purpose of constructing, working or managing such ropeway, direct that he may, subject to the provisions of this Act, acquire such land under the provisions of the Land Acquisition Act, 1894, in the same manner and on the same conditions as it might be acquired if the promoter were a company. I of 1894.

Limitation of claims for damage to animals or goods.

41. No person shall be entitled to a refund of an overcharge in respect of animals or goods carried by an aerial ropeway for public traffic or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the promoter within six months from the date of the delivery of the animals or goods for carriage by the aerial ropeway.

Application of Act to certain private aerial ropeways.

42. (*1*) Sections 1, 2, 4, 5, 13, 14, 15, 16, 17 and 20, sub-section (*1*) of section 21, and sub-clauses (*b*), (*f*), (*g*), (*j*) and (*k*) of clause (*2*) of section 33, sections 36, 37 and 39 and sub-sections (*1*) and (*3*) and clauses (*a*), (*d*), (*e*), (*g*), (*h*), (*j*), (*m*) and (*o*) of sub-section (*2*) of section 45 shall also apply to the private aerial ropeways constructed for the purposes referred to in section 30 :

Provided that, in the application of section 17 to any such ropeway, for the words and figures " the issue of an order under section 10 " the words, figures and brackets " the issue of a notification for the acquisition of, or an order for the temporary occupation of land in accordance with the provisions of sub-section (*1*) of section 30 ", shall be deemed to be substituted.

(*2*) The State Government, on the application of the promoter or otherwise may declare that the provisions of section 30 and of sub-section (*1*) of this section shall apply to any aerial ropeway, or class of aerial ropeways, for private traffic.

Inspectors, officers and servants to be public servants.

43. The Inspectors and all officers and servants appointed under section 4 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of persons acting in good faith under this Act.

44. No suit or other proceeding shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act or the rules.

Power of State Government to make rules.

45. (*1*) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters :—

(*a*) powers of Inspectors under section 4 ;

(*b*) the payment of money or lodging of securities, by way of deposit, by the intending promoter before an order is published under sub-section (*2*) of

section 10 ; the investment of money so paid ; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested ; the application of the money or securities or the interest or dividend thereon for discharging of any liabilities incurred by the promoter ; and the forfeiture, repayment or return of the money or securities ;

(*c*) the plans and sections of any works to be deposited by the intending promoters in respect of an order under section 10 ;

(*d*) rules for the purposes of section 14 relating to the safe and efficient working of an aerial ropeway including—

(i) the regulation of the use of steam power or any other mechanical power or electrical power on a ropeway,

(ii) the standard dimensions and specifications with which the aerial ropeway shall conform,

(iii) the rate of speed at which carriers are to be moved or propelled,

(iv) the goods which shall be deemed to be dangerous or offensive goods, and the carriage of such goods by aerial ropeway,

(v) the maximum number of passengers and animals, and the minimum weight of goods to be carried in each carrier of an aerial ropeway,

(vi) the conduct of the promoter's servants, and

(vii) the terms and conditions on which the promoter shall warehouse or retain goods at any station on behalf of the consignee or owner of such goods ;

(*e*) the conditions under which and the manner in which the powers conferred on promoters by sub-section (*1*) of section 15 and sub-section (*1*) of section 16 may be exercised ;

(*f*) the maximum and minimum rates to be prescribed under section 18 and section 27 ;

(*g*) the accidents of which notices shall be given to the State Government and to the Inspector under clause (*c*) of section 20 and duties of the promoter's servants, police officers, and Magistrates on accidents reported under that section ;

(*h*) the procedure for the disposal of applications under sub-section (*2*) of section 21 to re-open an aerial ropeway for public traffic or part thereof and the conditions under which such ropeway may be re-opened ;

(*i*) the method of arbitration for the settlement of disputes under section 24 ;

(*j*) the procedure for filing, hearing and disposing of applications for revision under this Act, and the manner in which the advice of the Advisory Board may be taken under section 28 ;

(*k*) the intervals at which and the form in which returns shall be submitted under section 38 ;

(*l*) the preparation, submission and auditing of the accounts of the promoter ;

(*m*) the manner in which notices under this Act shall be served ;

(*n*) the manner in which, and the conditions under which the through booking of goods may be permitted between an aerial ropeway and a railway, tramway, or another aerial ropeway ;

(*o*) the fees to be charged to promoters and other persons in respect of applications, inquiries, inspection, and services rendered under this Act ; and

(*p*) any other matter which is or to be prescribed under this Act.

(*3*) All rules made under this section shall be published in the *Official Gazette*.

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